

**BRANT BEACH, NEW JERSEY
MAY 10, 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: **Mrs. V.E. Applegate, J.C. Konnor, J. A. Leonetti, E. J. Hummel as Mayor’s Designee, R. Pingaro, D.S. Southwick, and Mrs. L. J. Schnell presiding.**

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

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: **Mr. A.P. Sicheri, Esq., Board Attorney, F. J. Little, Jr., P.E., P.P., Board Engineer and Mrs. S. L. Bongiovani, Clerk.**

(Tape #646 - Side 1)

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

1. #LUB-15-17: GENOVESE (Block 12.13, Lot 23) 30 West Ocean View Drive, Peahala Park: Mr. Sicheri stated that the application had been carried from the March 8, 2017 and April 12, 2017 meetings. He 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.

2. #LUB-17-17: MCGOWAN (Block 14.07, Lot 13) 7808 Bayview Avenue, Beach Haven Crest: Mr. Sicheri stated that this application had been carried from the April 12, 2017 meeting. He noted that the applicants proposed to raise the structure and construct an entryway larger than permitted by ordinance which required variances for front and rear yard setback as well as lot coverage.

3. #LUB-21-17: CACCIA (Block 6.27, Lot 8) 13604 Beach Avenue, Beach Haven Gardens: Mr. Sicheri stated that the applicants were requesting minor subdivision and bulk variance approval to create two new single family building lots. Mr. Sicheri noted that it was

proposed to demolish the existing two duplex structures and to construct a new single family home on each lot. He stated that waivers were required for lot frontage and lot area.

4. #LUB-22-17: BETZ (Block 11.10, Lot 1.09) 103 West Kansas Avenue, Beach Haven Park: Mr. Sichei stated that the applicants were requesting a bulk variance for front yard setback to permit the construction of a deck extension on the existing single family home.

5. #LUB-23-17: PHITOWN INVESTMENTS, LLC (Block 15.67, Lot 6) 5404 Long Beach Boulevard, Brant Beach: Mr. Sichei stated that the property is a flag shape lot improved by two single family structures that the applicant proposed to demolish. He noted that the applicant proposed to construct a new side by side duplex which required bulk variances for lot coverage, rear, side and combined yard setbacks as well as a special reasons variance.

6. #LUB-19-17-PF: BRANT BEACH YACHT CLUB (Block 15.28, Lot 1) 6106 Bayview Avenue, Brant Beach: Mr. Sichei stated that the application had been carried from the April 12, 2017 meeting. Mr. Sichei noted that the Yacht Club was a conditional use in the zone and since the conditions were not satisfied it would also require a special reasons variance. He stated that bulk variances were required for front yard setback and the proposed number of parking spaces.

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Minutes of the meeting held March 8, 2017 were presented for approval. **Moran** moved, seconded by **Hummel** for adoption. **Leonetti, Hummel, Pingaro, Schnell, Moran, Jones and Roth** all voted **YES**.

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

- 1. #LUB-16-17: SKIMMONS** – Resolution of Approval moved by **Moran** seconded by **Southwick**. The following roll call vote was recorded: **Applegate, Konnor, Hummel, Pingaro, Southwick, Moran and Roth** all voted **YES**.
- 2. #LUB-20-17: GIOVATTO** – Resolution of Approval moved by **Southwick** seconded by **Moran**. The following roll call vote was recorded: **Applegate, Konnor, Hummel, Pingaro, Southwick, Moran and Roth** all voted **YES**.

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

Mr. Hummel and Mr. Southwick stepped down for the following application:

(1) **#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: The application was continued from the March 8, 2017 meeting and the following additional evidence was marked: Revised Plot Plan prepared by East Coast Engineers, Inc., dated November 16, 2016 bearing the latest revision date of March 29, 2017, **#A-4**, Revised three page architectural drawings prepared by Mark Ostojich, Architect, dated October 22, 2016 bearing the latest revision date of March 25, 2017, **#A-5** and certification from Jeffrey C. Konnor that he listened to the tape from the March 8, 2017 hearing, **#B-1**. Mr. Snyder stated that the home had been damaged by Super Storm Sandy and that it was proposed to raise the house in place and construct an addition housing an enclosed stairway.

Mr. Jason M. Marciano, P.E., P.P. with the firm of East Coast Engineering, Inc. was sworn and qualified. Mr. Marciano described the proposed changes that were made after listening to the Board's comments at the prior hearing. Mr. Marciano stated that the stairway in the rear had been brought into conformity and was now within the seventy square foot allowance. He noted that the enclosed stairway would be accessed from the garage and that the front porch would remain open. Mr. Marciano stated that the proposal would require a special reasons variance as well as distance between structures, lot coverage which had been reduced from the prior plan and front yard setback. He stated that the proposal increased access space not habitable living space.

Mr. Mark G. Ostojich, Licensed Architect in the State of New Jersey was sworn and qualified. Mr. Ostojich explained the revised plans to the Board and noted that he felt that the proposal was an aesthetic improvement to the property.

The Public Session was closed.

Mr. Snyder stated that the overage of lot coverage was caused by the front porch which was open and would not infringe upon anyone's light and air.

The Board noted that the house raise necessitated by Super Storm Sandy required new access to the home. The Board felt that an enclosed staircase was necessary in inclement weather and that a secondary egress in case of fire was preferable.

Moran moved, seconded by Pingaro to approve the application as submitted with the condition that the deck never be enclosed. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, Moran, Jones and Roth all voted YES.**

(Tape #646 – Side 2)

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Mr. Hummel and Mr. Southwick rejoined the Board.

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

(2) #LUB-17-17 BEACH HAVEN CREST

DAN AND GAIL MCGOWAN

Owners & Applicants

Block 14.07, Lot 13

Dan and Gail McGowan representing themselves, were sworn and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Plan prepared by Endicott Engineering, dated February 8, 2017, **#A-2**, Revised Variance Plan prepared by Endicott Engineering, dated March 20, 2017, **#A-3** and a note to the Board from Joanne Tallon, Zoning Officer, **#B-1**.

Mr. Charles E. Endicott, P.E., with the firm of Endicott Engineering was sworn and qualified.

Joseph M. Renz, Builder was sworn.

Mr. Endicott described the undersized property and the deck on the newly raised structure. Mr. Renz stated that they had obtained a building permit for the deck and during the course of construction had enlarged the deck. Mr. Endicott submitted photographs of the property, marked **#A-4 and #A-5**. The proposed rear deck was discussed. The Board noted that the rear deck could be brought more into conformity. Mr. Renz stated that the shed could be removed to decrease the lot coverage.

The Public session was closed.

Mr. Endicott stated that the rear deck would be reduced to a 7' by 10' deck and that the shed at the rear of the property would be removed.

The Board felt that the deck constructed at the front of the home was aesthetically pleasing and finished off the front of the house. The Board noted that the rear deck should be limited to seventy square feet and that the shed should be removed.

Moran moved, seconded by Hummel to approve the application with the conditions that the rear deck be limited to seventy square feet and that the shed be removed. The following roll call vote was recorded: **Applegate, Konnor, Hummel, Pingaro, Schnell, Southwick, Moran, Jones and Roth** all voted **YES**.

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Mr. Leonetti rejoined the Board.

(3) #LUB-21-17 BEACH HAVEN GARDENS

HECTOR AND BARBARA CACCIA; ELAINE J. BAUMANN;

TERRENCE P. AND LISA B. QUINN

Owners & Applicants

Block 6.27, Lot 8

Mr. James Raban, Esquire of Haven Beach, NJ represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Minor Subdivision map prepared by Horn, Tyson & Yoder, Inc. dated August 14, 2013 with the latest revision dated March 20, 2017, #A-2, Five page Architectural drawings for 13604 Beach Avenue prepared by Adamson Riva & Lepley Architects, AIA dated December 16, 2016, #A-3, Five page Architectural drawings for 13604 East Beach Avenue prepared by Adamson Riva & Lepley Architects, AIA dated December 16, 2016 with the latest revision dated June 9, 2016, #A-4 and Review letter from Frank J. Little Jr., P.E. dated April 28, 2017, #B-1. Mr. Raban stated that the applicants proposed a two lot subdivision and noted that two duplexes currently existed on the property. Mr. Raban stated that a modest single family home was proposed for each lot. Mr. Raban stated that a similar application had been before the Board with bulk variances for the structures and that in this application no bulk variances were requested for the structures.

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 each of the lots would be 3,600 square feet. He stated that it was proposed to demolish the existing structures and that each lot would be developed with a single family home that would meet the bulk requirements. Mr. Brzozowski submitted a packet of photographs of the property, marked #A-5. Mr. Brzozowski addressed Mr. Little's review letter. He stated that bulk variances were required for the lot area of each lot and that a frontage variance was required for proposed lot 8.02.

(Tape #647 – Side 3)

Mr. Brzozowski stated that the proposed lots did not meet the intent of the subdivision ordinance. He noted that curbs and sidewalks existed on Beach Avenue and that they were proposed for 32nd Street.

Mr. John Murphy of 16 East S. 32nd Street was sworn and stated his concerns with the condition of the property and the proposed density.

Mr. Robert J. Christian of 13608 Beach Avenue was sworn and testified that he was in favor of the application.

Mr. David A. Southwick, Jr., of 102 East S. 32nd Street was sworn and testified that he was in favor of the application.

The Public session was closed.

The Board noted that two duplexes that were not in good shape would be removed and that the density would be reduced. The Board felt that the proposal would be an asset to the neighborhood.

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

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The Board took a five-minute recess.

(4) #LUB-22-17 BEACH HAVEN PARK

ROBERT M. AND COLLEEN BETZ

Owners & Applicants
Block 11.10, Lot 1.09

Mr. James Raban, Esquire of Haven Beach, New Jersey represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Deck Variance Plan prepared by Morgan Engineering & Surveying dated March 11, 2017, **#A-2**, Survey of property prepared by Morgan Engineering & Surveying dated March 9, 2017, **#A-3** and Packet of two photographs, **#A-4**. Mr. Raban stated that the applicants proposed to extend an existing second floor deck by eight feet which required a front yard setback variance.

Mathew R. Wilder, Professional Engineer in the State of New Jersey, with the firm of Morgan Engineering and Surveying in Toms River, NJ was sworn and qualified. Mr. Wilder described the existing property and the proposed deck extension. Mr. Raban submitted a google earth photograph of the property, marked **#A-5**. Mr. Wilder noted that the property was located on a cul-de-sac and that the proposed building coverage would not exceed that which was allowed in the zone.

Ms. Lillian Ferguson, adjacent property owner was sworn and stated her concerns with the deck shadowing her property.

The Public session was closed.

Mr. Raban addressed Ms. Ferguson's concerns stating that he did not believe that the deck would impact her property.

The Board felt that the request was minimal and noted that the deck should never be enclosed.

Hummel moved, seconded by Moran to approve the application with the stipulation that the deck never be enclosed. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, Moran and Jones** all voted **YES**.

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Mr. Hummel stepped down from the Board for the remainder of the evening.

(5) #LUB-23-17 BRANT BEACH

PHITOWN INVESTMENTS, LLC

Owner & Applicant
Block 15.67, Lot 6

Mr. Stuart Snyder, Esquire of Surf City, NJ, represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Variance plan prepared by Nelke/Tyszka

Land Surveyors, LLC dated March 16, 2017, #A-2, Three page architectural drawings prepared by Phitown Design dated March 30, 2017, #A-3, Deed of ownership transfer recorded March 30, 2017, #A-4. Mr. Snyder stated that the applicants were proposing to demolish the existing structures and construct a new duplex. Mr. Snyder described the variances needed noting that the lot coverage and combined side yard setbacks would be improved.

Mr. Leon J. Tyszka, P.L.S. with the firm of Nelke/Tyszka Land Surveyors, L.L.C. in Ship Bottom, NJ was sworn and testified that prior to Sandy two separate units existed on the property. Mr. Tyszka described the proposed duplex and the variances required.

Ms. Linda Montanile-Smith, Architect with the firm of Phitown Design was sworn and qualified. Ms. Smith described the architectural plans for the proposed side by side duplex and the reasons for the variances requested. It was noted that two single family homes existed on the property which was considered a duplex use and that a new duplex could be built without coming before the Board if it met all bulk requirements. Ms. Smith noted that the air conditioner platform on the south side of the property would be moved.

(Tape #647 – Side 4)

Ms. Kathleen Keating of 11 West Kirkland Avenue was sworn and stated her concerns with how the proposed structure would impact her property. It was noted that her home was over seventy feet from the proposed structure and that the structure that was proposed to be removed was closer to her lot.

Mr. David A. Belfatti of 5412 Long Beach Boulevard was sworn and stated his concerns as to parking and the location of the air conditioning unit. It was noted that the air conditioning unit would be relocated.

Mr. Kevin Cavanaugh of 3 West Kirkland Avenue was sworn and requested that any lighting on the property be directed downward.

Ms. Michelle McBurnie of West Kirkland Avenue was sworn and testified that she was in favor of the application but noted her concern with the removal of the propane tanks. It was noted that there was no intention of using propane.

The Public Session was closed.

The Board noted that a duplex use already existed and that the variances requested were minimal. The Board felt that the proposed structure would be an improvement to the neighborhood.

Leonetti moved, seconded by Applegate to approve the application with the following conditions: 1.) That the air conditioner platform be relocated; 2.) That the propane tanks be removed; and 3.) That the lighting on the property be directed downward. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Pingaro, Schnell, Southwick and Moran all voted YES.**

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Mrs. Schnell and Mr. Roth stepped down from the Board for the following application:

(3) #LUB-19-17-PF BRANT BEACH

BRANT BEACH YACHT CLUB

Owners & Applicants
Block 15.28, Lot 1

Mr. Richard Hluchan, Esquire with the firm of Hyland Levin, LLP in Marlton, New Jersey represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, two page Site Plan prepared by Horn, Tyson & Yoder, Inc. dated December 3, 2015 with the latest revision dated February 6, 2017, **#A-2**, five page Architectural drawings prepared by Rob Roth Architect, Inc. dated May 25, 2015, **#A-3** and review letter to the Board from Frank J. Little Jr., P.E. dated April 4, 2017, **#B-1**. Mr. Hluchan stated that the applicants were applying for preliminary and final site plan as well as special reasons variance approval to allow the expansion of the pre-existing nonconforming use. He noted that bulk variances were required as well. Mr. Hluchan explained that there were two existing buildings on the property and that the applicant proposed to expand the South Harbor Sailing Center building.

Mr. Salvatore Messina, Trustee of the Brant Beach Yacht Club and Project Manager was sworn and testified that the Yacht Club was established in this location in 1947. Mr. Messina discussed how many members the Yacht Club has and how the Yacht Club and specifically the sailing center is used. Mr. Messina stated that it was proposed to expand the sailing center by adding bathrooms to the lower level and expanding the meeting room and office.

Mr. Robert B. Roth, Jr., Architect and Professional Planner in the State of New Jersey was sworn and described the proposed plans to the Board. Mr. Hluchan submitted photographs of the property, marked **#A-4** and **#A-5**. Mr. Roth stated that the structure would be ADA compliant and raised with the bottom floor flood proofed. Mr. Roth stated that the size of the office and kitchen would increase. He noted that the elevator would exit onto the deck for ease of exiting. Mr. Roth stated that the plan would provide a usable interior space on the first floor and could be used for smaller social events.

(Tape #648 – Side 5)

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 the Sailing Center would double in size. Mr. Brzozowski stated that the site also contains a 99 slip marina which required 98 parking spaces. He noted that 87 spaces would be provided and therefore a bulk variance was required for parking. Mr. Brzozowski stated that 30 pre-existing parking spaces encroached into the right of way. He noted that the spaces had existed for many years and a waiver was requested to allow the parking spaces to remain the current size with a depth of 15.6 feet. Mr. Brzozowski felt that the expansion of the building would promote the general welfare and community as a whole by drawing visitors to Long Beach Island. He noted that the Yacht Club enhanced water dependent facilities on the waterfront. Mr. Brzozowski stated that the proposed new Sailing Center would accommodate uses already occurring at the facility and that there will not be an increase in the use of the property. Mr. Brzozowski stated that a CAFRA permit had been obtained. He stated that a front yard setback variance was required due to

the shape of the property and the location of the existing building.

Mr. Little asked about the waste management and Mr. Messina replied that there was a dumpster in a dumpster corral on the north side of the property.

Mr. Robert Kiss, Esquire of Surf City, New Jersey stated that he was representing Mr. and Mrs. Breen of 6107 Bayview Avenue and who were also Yacht Club members. Mr. Kiss stated that his clients were opposed to the project as it doubled the size of the Sailing Center and was right next to the street. He noted that the Yacht Club was already a substantial facility and that his clients had concerns about the parking, lighting, music and boat repairs done on the property. He asked that lighting be focused away from homes across the street, that the hours of operation be addressed and that a sidewalk be installed. He noted that if the Board were inclined to approve the application that addressing the concerns he mentioned would make the application more palatable.

Ms. Nancy O'Mallon of 11 West Paulding Avenue was sworn and stated her concerns with parking, especially during regattas and smells potentially emanating from the proposed kitchen.

Mr. Kiss submitted a parking plan for the current regatta, marked **#O-1**.

Mr. Ernest Kovacs of 6309 Bay Avenue and a member of the Yacht Club was sworn and testified that he was on the regatta committee. He stated that he felt that the Yacht Club was a good member of the community and drew people to Long Beach Township. He noted that he was in favor of the application as a neighbor.

The Public Session was closed.

Mr. Hluchan requested that the application be approved as submitted.

The Board discussed the application and noted that the Yacht Club had done a great job of directing the public where to park during the regattas they hosted and noted that the parking would be increased by seventeen spaces.

The Board discussed the proposed parking.

(Tape #648 – Side 6)

The Board noted that the good of the community was served by the approval of the application.

Moran moved, seconded by Southwick to approve the application with the stipulation that the lighting be directed downward. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Pingaro, Southwick, Moran and Jones** all voted **YES**.

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Mrs. Schnell and Mr. Roth rejoined the Board.

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

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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 10:40 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN