

**BRANT BEACH, NEW JERSEY  
JUNE 14, 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, R. S. VanBuren, and Mrs. L. J. Schnell presiding.**

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

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, Mrs. L. C. Krueger, Secretary for the Board/Commission and Mrs. S. L. Bongiovani, Clerk.**

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**(Tape #649 - Side 1)**

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

**1. #LUB-18-17: DIBIANCA (Block 12.06, Lot 13.01) 24 East Mariners Lane, Peahala Park:** Mr. Sicheri stated that the applicant proposed to construct a gazebo in the rear yard which required a bulk variance for lot coverage.

**2. #LUB-25-17: JTF PARTNERS, LLC (Block 4.36, Lot 14) 1813 Long Beach Boulevard, North Beach Haven:** Mr. Sicheri stated that the applicant was requesting minor subdivision and bulk variance approval so as to create two single family residential building lots.

**3. #LUB-24-17: PSM REAL ESTATE LLC (Block 15.87, Lots 1 & 1.01) 4812 Long Beach Boulevard, Brant Beach:** Mr. Sicheri stated that the applicant proposed to create two new single family building lots which required subdivision approval as well as a waiver for the proposed width of the easement.

4. **#LUB-12-17-PF: HOLGATE MARINE SERVICES, LLC (Block 1.48, Lots 34 & 34.01) 83 Tebco Terrace, Holgate:** Mr. Sicheri stated that the application had been carried from the March 8, 2017 meeting and since then the Board Engineer had advised the Board that the applicant also required a bulk variance for the height of the building.

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Minutes of the meeting held April 12, 2017 and May 10, 2017 were presented for approval. **Moran** moved, seconded by **Hummel** for adoption. **Applegate, Konnor, 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-15-17: GENOVESE** – Resolution of Approval moved by **Moran** seconded by **Pingaro**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, Moran, Jones and Roth** all voted **YES**.
2. **#LUB-17-17: MCGOWAN** – Resolution of Approval moved by **Hummel** seconded by **Konnor**. The following roll call vote was recorded: **Applegate, Konnor, Hummel, Pingaro, Schnell, Moran and Jones** all voted **YES**.
3. **#LUB-19-17: BRANT BEACH YACHT CLUB** – Resolution of Approval moved by **Jones** seconded by **Pingaro**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Pingaro, Moran and Jones** all voted **YES**.
4. **#LUB-21-17: CACCIA** – Resolution of Approval moved by **Moran** seconded by **Applegate**. The following roll call vote was recorded. **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Moran and Jones**.
5. **#LUB-22-17: BETZ** – Resolution of Approval moved by **Hummel** seconded by **Applegate**. The following roll call vote was recorded. **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Moran and Jones**.
6. **#LUB-23-17: PHITOWN** – Resolution of Approval moved by **Moran** seconded by **Applegate**. The following roll call vote was recorded. **Applegate, Konnor, Leonetti, Pingaro, Schnell and Moran**.

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

(1) **#LUB-18-17** PEAHALA PARK

**JOSEPH A. AND DEBORAH A. DIBIANCA, ETAL**

Owners & Applicants  
Block 12.06, Lot 13.01

**Mr. Robert E. Ulaky, Esquire with the firm of Dasti, Murpy, McGukin, Ulaky, Koutsouris and Connors of Forked River, NJ, represented the Applicants and evidence was marked as follows:** Application and Attachments, including an amendment to reflect that Joseph DiBianca, owner of the subject property is the applicant, **#A-1**, Variance Plan prepared by Nelke/Tyszka Land Surveyors, L.L.C. dated March 24, 2017, **#A-2**, and, two page rendering of proposed gazebo, **#A-3**. Mr. Ulaky described the proposed gazebo and noted that the structure would comply with setback requirements. He stated that the only variance requested was for lot coverage. Mr. Ulaky stated that the area in question was already covered with pavers.

**Mr. Joseph DiBianca, owner** was sworn and testified that the property was for their personal use. Mr. DiBianca submitted a photograph of a seasonal, portable gazebo currently on the property, marked **#A-4**. Mr. DiBianca stated that they used the portable gazebo for protection from the sun and were seeking a more permanent structure.

**Mr. Jeff Ciborowski, Contractor** was sworn and described the proposed gazebo. Mr. Ciborowski stated that they were trying to keep the roof height as low as possible to minimize impact on the neighbors.

**Mr. Cliff Hook, adjacent property owner to the rear of the property** was sworn and testified that he had no concerns with the building of the gazebo and appreciated the efforts of his neighbor to keep the proposed structure lower. He requested that any lighting be directed away from his property. He stated his concerns with the runoff from the gazebo roof.

**The Public Session was closed.**

Mr. Ulaky stated that the increase in lot coverage was minimal and that there would not be any impact to any adjoining property owners. He requested that the application be approved as submitted.

The Board noted that the request was minimal but a majority of the Board felt that there should not be any utilities installed in the proposed gazebo.

**Hummel moved, seconded by Leonetti to approve the application as submitted with the condition that any lighting be directed downward and away from the neighboring property.** Leonetti, Hummel and Jones voted **YES**. Applegate, Konnor, Pingaro, Schnell, VanBuren and Moran voted **NO**. **The motion did not pass.**

**Applegate moved, seconded by Konnor to approve the application as submitted with the condition that no utilities be installed in the gazebo and that any lighting be directed downward and away from the neighboring property.** The following roll call vote was recorded: Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, VanBuren, Moran and Jones all voted **YES**. **The motion carried.**

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(2) #LUB-25-17      NORTH BEACH HAVEN  
**DDW PARTNERSHIP**  
Owner  
**JTF PARTNERS, LLC**  
Applicant  
Block 4.36, Lot 14

**Mr. Richard Visotcky, Esquire represented the applicant and evidence was marked as follows:** Application and Attachments, **#A-1**, Minor Subdivision Map prepared by Gravatt Consulting Group dated March 24, 2017, **#A-2**, Three page architectural drawing prepared by Craig W. Brearley, A.I.A., dated April 11, 2017, **#A-3**, Letter from Richard P. Visotcky dated May 1, 2017 Re: correction on map to reflect one story real estate office and not a restaurant as noted on the subdivision map, **#A-4**, and, review letter from Frank J. Little, Jr, P.E. dated June 2, 2017, **#B-1**. Mr. Visotcky stated that the existing building had been vacant for approximately two years. Mr. Visotcky stated that Bay Shore Realty whom had occupied the building had consolidated their operations into the Ship Bottom office. Mr. Visotcky stated that his client proposed to purchase the property, demolish the building and subdivide the property into two single family residential building lots. He noted that the property was entirely in the commercial zone.

**Mr. Bruce Jacobsen, P.E. of Gravatt Consulting Group** was sworn and qualified. Mr. Jacobsen described the property to the Board. Mr. Visotcky submitted photographs to the Board, marked **#A-5 and #A-6**. Mr. Jacobsen described the photographs and the variances requested for lot frontage and area.

**(Tape #649 – Side 2)**

Mr. Jacobsen stated that all other bulk requirements of the R-50 zone would be met.

**Ms. Jacqueline Sneyers of 1803 Long Beach Boulevard** was sworn and stated her concerns with flooding in the area and that she was not in favor of the application.

**Ms. Evangelia Muglia of 1805 Long Beach Boulevard** was sworn and testified that she owned the adjacent property and that she was not in favor of the houses facing 19<sup>th</sup> Street as the street was already congested.

**The Public session was closed.**

Mr. Visotcky stated that the subdivision would improve the area as the large structure would be removed and would open up the corner. He stated that there would not be any exacerbation of the flooding.

The majority of the Board was not in favor of the elimination of commercial property and felt that since the other three corners of the intersection were devoted to commercial uses that the proposal was not in keeping with the area. The Board noted that the proposed lots were undersized.

**Konnor moved, seconded by Applegate to DENY the application as submitted.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell,**

**VanBuren and Moran all voted YES. Jones voted No. The motion carried.**

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

**(3) #LUB-24-17 BRANT BEACH**

**J & R PROPERTIES, LLC**

Owner

**PSM REAL ESTATE, LLC**

Applicant

Block 15.87, Lots 1 & 1.01

**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 March 3, 2017 with the latest revision dated March 20, 2017, #A-2, and, letter to Board from Frank J. Little, Jr., P.E., dated June 2, 2017, #B-1. Mr. Raban noted that PSM Real Estate was the contract purchaser of the property. He stated that the applicant proposed to demolish the existing single family dwelling and subdivide the property into two building lots which required waivers for the rectilinear turnaround and the twenty foot wide access easement. Mr. Raban noted that the easement would be a shared easement to the north.

**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 there was not a turnaround proposed due to the proposed thirty foot combined easement. He noted that the easement would extend from Long Beach Boulevard to the bulkhead and would not be separated down the middle. Mr. Brzozowski addressed Mr. Little's review letter and noted that the curbs and sidewalks on the Boulevard lot would be replaced if they were below standard and the trash removal was discussed.

**The Public session was closed.**

The Board noted that they did not have any issues with the application.

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

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

**Mrs. Schnell rejoined the Board and Mr. Hummel stepped down from the Board for the remainder of the evening.**

**(Tape #650 – Side 3)**

**HOLGATE MARINE SERVICES, LLC**

Owners & Applicants  
Block 1.48, Lots 34 & 34.01

**Mr. Richard Visotcky, Esquire 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 review letter from Frank J. Little Jr., P.E. dated April 6, 2017, **#B-3**, Letter from Mr. Edward Liston Jr., Esq. dated June 2, 2017, **#O-3** and Planning report prepared by Thomas Planning Associates, LLC dated June 1, 2017 with appendix, Re: required variances for Holgate Marine Services, LLC Application, **#O-4**. Mr. Visotcky stated that Mr. Little's review letter of April 6, 2017 indicated that an additional variance for height would be required. Mr. Visotcky stated that the applicant would amend the application to reflect that the roofline would be reduced so a variance would not be required for height.

**Mr. Edward F. Liston, Esquire, of Toms River, NJ**, representing objectors was also present.

**Mr. Andrew Thomas, P.P. with the firm of Thomas Associates, LLC** was sworn and qualified. Mr. Thomas stated that he had visited the site as well as the surrounding area and had read documents pertaining to the application as well as the transcript of the prior meeting. Mr. Thomas submitted an aerial site map, marked as **#O-5** and described the map and the Marine Commercial Zone in the Township. Mr. Thomas reviewed his written report and the variances he felt were necessary for the application, as well as the possibility of a subdivision being required.

Mr. Little stated that in his opinion, based on the Ordinance, that a subdivision was not required and that requirement was to set a minimum area needed for each unit. He stated that the application met the Ordinance for density and that a variance was not needed for the proposed impervious surface. Mr. Sicheri noted that the encroaching shed was pre-existing and that as part of the site plan approval the Board could require that it be moved.

**(Tape #650 – Side 4)**

Mr. Sicheri stated that the notice was sufficient and that while the objectors raised issues for the Board to consider, notice was not one of them. He stated that the positive and negative criteria testimony presented by the applicants was weak.

Mr. Visotcky stated that Mr. Little had already raised the concerns that he had with Mr. Thomas's testimony and that he had no need to cross examine him.

**Ms. Deidre Martin, Esquire of Manahawkin, NJ** representing the objector, Holgate Taxpayers Association, read a statement from the Taxpayers Association and noted that they were opposed to the application.

**Mr. Daniel Macone, President of the Holgate Taxpayers Association** was sworn and testified that he was opposed to the large scale development.

**Mr. Jeffrey Gozdieski, of 29 and 31 West Tebco Terrace** was sworn and testified as to his

concerns with the vehicle traffic, parking and drainage issues and stated that the area becomes more congested in the summer season.

**Ms. Debbie Morelli, of 24 West Tebco Terrace** was sworn and read a statement regarding her concerns with the proposed application.

**Mr. Frank Morelli, of 24 West Tebco Terrace** was sworn and read a statement regarding his concerns with the proposed application.

**Mr. Brian Tierny, of 28 and 50 West Tebco Terrace** was sworn and testified as to his concerns with the application and that he felt that there was not a hardship. Mr. Tierny submitted two photos of first responders navigating Tebco Terrace, marked **#O-6**.

**(Tape #651 – Side 5)**

**Mr. James Collery, of 32 West Tebco Terrace** was sworn and stated his concerns with the gas line and the gas tank.

**Ms. Denise Brand, of Tebco Terrace** was sworn and stated her concerns with ground pollution.

Mr. Liston stated that he felt that the proposal would ruin the neighborhood and that some of the variances requested had not been applied for. He stated that the “D” variance should not be granted and requested that the application be denied.

Mr. Visotcky stated that the property had existed as a mixed use since 1953 with apartments over the marina office. He noted that the CAFRA approval for the proposed units had already been obtained and noted that the variances that had been brought up in Mr. Little’s review letters had been adequately addressed. He noted that the nature of the marina had been changing over the years and that the mechanical portion of the marina and workshop would be eliminated and in its place the proposed residences. Mr. Visotcky stated that the site would be improved aesthetically and that the marina use would be preserved with the proposal.

**Carol Jellich of 13 Julia Avenue** was sworn and testified as to her concerns with drainage.

**The Public session was closed.**

The Board noted that they would like to keep marina uses viable but felt that the proposal went a step too far noting that a two hundred and seventy foot building, thirty feet high and ten feet from the street was an overdevelopment of the property. The Board felt that the applicant had not demonstrated that the application promoted one of the goals and objectives of the Land Use Law and that the negative criteria was not detrimental to the neighborhood.

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

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Under **New Business**, the Board discussed proposed Ordinance #17-28C. The Board voted by voice vote that it was not in support of the Ordinance as written and noted that the proposed Ordinance was too broad and needed more clarification.

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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 10:00 P.M.

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

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