

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

Members of the Board absent: **R.H. Bayard, J.A. Leonetti, Mayor J.H. Mancini.**

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

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

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

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(Tape #659 - Side 1)

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

- 1. #LUB-36-17: CASTALDO (Block 4.31, Lot 11) 1714 North Atlantic Avenue, North Beach Haven:** Mr. Sicheri stated that the applicants had previously been before the Board and had obtained approval to construct a pool in the front yard, four feet front the front setback. Mr. Sicheri noted that the pool was constructed three feet from the front setback and required bulk variance relief.
- 2. #LUB-37-17: WILLOW POND, LP FORMERLY KNOWN AS ROSE M. WEBER, LP, (Block 20.165, Lot 1.01) 171C Long Beach Boulevard, Loveladies:** Mr. Sicheri stated that the applicants proposed a minor subdivision so as to establish two conforming single family building lots.
- 3. #LUB-32-17-PF: ISLAND’S END, L.L.C. (Block 1.13, Lots 4, 21-25; Block 1.16, Lots 2-7, 12, 14-18; Block 1.19, Lots 6-9, 11-19):** Mr. Sicheri stated that the application was for final major subdivision approval and noted that preliminary approval had been obtained in September. Mr. Sicheri stated that the applicant had complied with the requirements of the preliminary approval. Mr. Sicheri noted that there were still some waivers required as set forth in Mr. Little’s review letter, which would also be addressed.

The Public session was closed.

Mr. Snyder requested that the application be approved as submitted noting that his search did not disclose any deed restriction of record that would prohibit the subdivision.

The Board felt that the proposed subdivision met all of the zoning regulations.

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

Mr. Hummel and Mr. Pingaro stepped down from the Board for the following application:

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(2) **#LUB-32-17-PF** **HOLGATE**

ISLAND'S END, L.L.C.
Applicant
LONG BEACH ISLAND TRAILER PARK
Owner
Block 1.13, Lots 4; 21-25
Block 1.16, Lots 2-7; 12; 14-18
Block 1.19, Lots 6-9; 11-19

Mr. Nicholas F. Talvacchia, Esquire with the firm of Cooper, Levenson, P.A. of Atlantic City, New Jersey represented the applicant and evidence was marked as follows: Letter from Brian P. Murphy, P.E. dated October 18, 2017, Re: items submitted for final subdivision review and approval, **#A-16**, Architectural Standards, **#A-17**, Two page final plat prepared by FWH Associates, P.A. dated August 11, 2017, **#A-18**, nineteen page Preliminary and Final Major Subdivision prepared by FWH Associates, P.A. dated August 7, 2017, revised October 18, 2017, **#A-19**, Storm Water Management Report with a one page Pre and Post Development Drainage Area Plan prepared by FWH Associates, P.A. dated August 3, 2017 and revised October 17, 2017, **#A-20**, four sets of Model Architectural Drawings prepared by Michael Pagnotta dated October 17, 2017, **#A-21** and Review letter from Frank J. Little, Jr., P.E. dated November 2, 2017, **#B-2**. Mr. Sicheri marked a series of emails regarding notice to J. Hopka, marked **#A-22**.

Mr. Talvacchia stated that they were before the Board for final approval and to address conditions of approval and items that were set forth in Mr. Little's review letter at the last meeting. Mr. Little stated that two waivers had been required but that the information had been provided. Mr. Talvacchia stated that the required five parking spaces had been added to the architectural design standards and would become of record for future purchasers.

Mr. Brian Murphy P.E., P.P of FWH Associates in Toms River, New Jersey was sworn and testified that his firm had prepared the subdivision under his direction. Mr. Murphy submitted a color rendering of Sheet # 4 marked, **#A-23**. Mr. Murphy addressed Mr. Little's review letter and

noted that the topography and design standards that the Board had requested had been provided. He stated that native plans would be used in the landscaping and would be noted on the plans. Mr. Little stated that everything had been provided in accordance with the Resolution for preliminary approval and his review letter. He stated that the applicants still needed to acquire approvals from outside agencies.

Mr. Michael Pagnotta, Architect and Developer of the property was sworn and reviewed the proposed architectural plans for lot 7.01 which reflected the five foot rear yard setback that the Board required.

The Public Session was closed.

The Public Session was reopened.

Ms. Karen Karnaga of 22 Roosevelt Avenue was sworn and asked about the proposed heights of the structures and Mr. Pagnotta replied that the heights would be compliant, without a variance required.

The Public Session was closed.

The Board noted that the applicant had complied with the requests of the Board and approved of the architectural standards.

Applegate moved, seconded by Southwick to approve the final major subdivision application with the terms and conditions of the Board Engineer's review letter and the deed restrictions of the Architectural Standards. The following roll call vote was recorded: Applegate, Konnor, Schnell, Southwick, VanBuren and Roth all voted **YES**.

(Tape #659 – Side 2)

Mr. Leonetti joined the Board.

Mr. Hummel and Mr. Pingaro rejoined the Board.

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(3) **#LUB-36-17** **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 including prior Resolution LUB-11-17, **#A-1**, Variance map prepared by Horn, Tyson & Yoder, Inc. dated August 4, 2016 with the latest revision of October 2, 2017, **#A-2**, and letter from James Raban, Esq., dated November 7, 2017 re: representation of applicant, **#A-3**. Mr. Raban stated that the applicants had previously been before the Board and had approval to install a pool on the property. Mr. Raban stated that

due to an error by Brunetti Pools the pool was not installed in the proper location and was located 3.2 feet from the property line instead of the approved 4 feet. Mr. Raban stated that the applicant had located the pool equipment where the air conditioner platform had once been located.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the as-built conditions of the pool to the Board. Mr. Brzozowski submitted a copy of the as-built survey reflecting the location of the pool, marked **#A-4**. He noted that the error in the placement of the pool was ten inches. Mr. Brzozowski submitted a series of six photographs, marked **#A-5**. Mr. Brzozowski described the photographs and noted that the fence encroached into the Atlantic Avenue right-of-way. He noted that the pool was now located four feet from the house which would make it safer and that the pool was not visible from the street.

The Board discussed the existing location of the fence and Mr. Raban stated that the applicant would move the fence.

Mr. Gregory Brunetti, owner of Brunetti Pools was sworn and testified that his company had installed the pool and that he had flipped the plan and transposed the setback dimensions. He noted that there was no benefit in doing so.

The Public Session was closed.

The Board discussed the application and noted that they felt that the bigger issue was the fence encroached into the public right-of-way. It was noted that the pool equipment met the setbacks and that relief could be given from the condition of the location of the pool equipment. It was noted that the pool as installed would not affect the adjoining property owners and that no neighbors had raised any objections.

Leonetti moved, seconded by Applegate to approve the application with the condition that the four foot fence be relocated to the property line, that the shrubbery located within the site triangle comply with the Ordinance and that revised plans be submitted consistent with the approval. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren and Roth** all voted **YES**.

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Under **New Business**, the Board discussed proposed Ordinances **#17-39C** and **#17-41C**. The Board voted by voice vote to approve of the Ordinance as written noting that Ordinance **#17-39C** was not within the Board's jurisdiction.

The Board discussed the 2018 Land Use Board Meeting Dates. The Board voted, by voice vote, to approve of the proposed 2018 meeting dates, on the second Wednesday of each month.

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Under **Correspondence**, the Board addressed a letter from Mr. James Raban regarding the **Caccia, Bauman Application, #LUB-21A-17**. Mr. Sicheri submitted an amended Resolution per Mr. Raban's request amending the names of the applicants. **Konnor moved, seconded by Hummel to approve the Resolution as amended.** The following roll call vote was recorded:

Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell and Southwick all voted **YES**.

The Board addressed a letter from Karen Spinelli DeGillo re: **LUB-32-05-PF** regarding the removal of a deed restriction on the property as part of the approval of the application. Mr. Sicheri stated that he had spoken to Mr. Raban about the restriction and noted that a quiet title action would need to be taken assuming the Board was willing to remove the restriction. It was noted that an application would need to be filed.

Mr. Snyder addressed the Board regarding the Tymiak and Ackerman Minor Subdivision Application, #**LUB-27-17** regarding the elimination of the portion of a private road. Mr. Snyder stated that the applicants are now requesting that the Board permit the existing easement to remain and are requesting a setback from the easement. The Board noted that a variance application should be submitted which could be heard at the December 13, 2017 meeting.

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Mr. Little addressed the Board regarding the Comprehensive Master Plan Update 2017.

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The Board addressed the Board's Year End Report for 2016. **Roth moved, seconded by Hummel to approve the 2016 End of Year Report.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren and Roth** all voted **YES**.

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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 8:25 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN