

BRANT BEACH, NEW JERSEY
AUGUST 8, 2018

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, 2018 as required by the Open Public Meeting Act.”

Members of the Board present: **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: **Mrs. V.E. Applegate, R.H. Bayard, Mayor J.H. Mancini and R.S. VanBuren.**

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

Alternate members of the Board absent: **R.L. Jones and B. R. Farias.**

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

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(Tape #672 - Side 1)

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

1. #LUB-21-15(B): LEONETTI (Block 5.03, Lot 3) Anderson Drive, Spray Beach: Mr. Sicheri stated that in 2016 the Board had granted variance relief to construct a new home on an undersized lot which was subsequently appealed by the adjoining property owners. Mr. Sicheri stated that the matter went to court and was remanded back to the Board to see if the Board would approve the settlement that was reached.

2. #LUB-18-18: MARTIN (Block 14.12, Lots 8 and 9, Unit A) 7700 Long Beach Boulevard, Beach Haven Crest: Mr. Sicheri stated the property was currently improved with a 4 condo unit in the commercial zone. Mr. Sicheri stated that the applicant proposed to expand the multi-family structure with an extended deck that required a special reasons variance.

3. #LUB-17-18: HEALY (Block 14.12, Lots 8 and 9, Unit D) 7700 Long Beach Boulevard, Beach Haven Crest: Mr. Sicheri noted that the property was the same condo complex as the Martins and that the applicants also proposed a deck on their unit which required a

special reasons variance. Mr. Sicheri noted that it was requested that the site plan requirements be waived for both applications.

4. #LUB-19-18: MANGHISI (Block 13.09, Lot 10) 102 East 85th Street, Brighton Beach: Mr. Sicheri noted that the applicants proposed to demolish the existing single family home and construct a new single family home which required a front yard setback and distance between structures variances.

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

1. #LUB-8-18: RECINE – Resolution of Denial moved by **Hummel**, seconded by **Southwick**. The following roll call vote was recorded: **Konnor, Hummel, Pingaro, Schnell and Southwick** all voted **YES**.

2. #LUB-14-18: WEAVER – Resolution of Approval moved by **Pingaro**, seconded by **Hummel**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell and Southwick** all voted **YES**.

3. #LUB-15-18: CHIVAS-LACY – Resolution of Approval moved by **Pingaro** seconded by **Hummel**. The following roll call vote was recorded: **Hummel, Pingaro, Schnell and Southwick** all voted **YES**.

4. #LUB-16-18: CONTESSA – Resolution of Denial moved by **Konnor**, seconded by **Southwick**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell and Southwick** all voted **YES**.

5. #LUB-38A-17: JONES/HOOVEN – Resolution of Approval for extension of time moved by **Pingaro**, seconded by **Southwick**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, Roth and Stewart** all voted **YES**.

6. #LUB-39A-17: MEISNER/MCGUIRE – Resolution of Approval for extension of time moved by **Southwick**, seconded by **Hummel**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, Roth and Stewart** all voted **YES**.

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

(1) **#LUB-21-15(B) SPRAY BEACH**

JAMES A. LEONETTI
Applicant
WATCHUNG DEVELOPMENT GROUP, LLC
Owner
Block 5.03, Lot 3

Mr. Stuart Snyder, Esquire of Surf City, NJ represented the applicant and evidence was marked as follows: Letter from Stuart Snyder to the Board dated July 18, 2018, Re: Submission of application, #A-16(A), Letter from Stuart Snyder to the Board dated August 6, 2018, Re: Submission of application, #A-16(B), Consent order of Remand to Long Beach Township Land Use Board dated August 5, 2016, #A-17, Resolutions #LUB-21-15 and LUB-21-15A, #A-18, revised Variance plan prepared by Nelke/Tyszka Land Surveyors, LLC dated June 28, 2017, #A-19, and, proposed Architectural Plans prepared by Studio Tagland Designs, LLC dated July 17, 2018, #A-20. Mr. Snyder stated that the Board had granted a conditional approval for a single family home on the twenty foot wide lot in 2015. He noted that the adjoining neighbors then filed a prerogative writ action appealing the Board's decision. Mr. Snyder stated that through discussions, they entered into a proposed settlement and a Consent Order was entered by the Court remanding the matter to the Board to consider the proposed settlement.

Mr. Snyder stated that they were before the Board solely to present the revised plans that had been negotiated between the neighbor and property owners. Mr. Sicheri stated that by approving the settlement the Board would be granting greater bulk variances for some items than stated in the prior Resolution. Mr. Snyder stated that that was correct.

Mr. Stuart A. Platt, Esquire with the firm of Platt and Riso, P.C. in Stratford, New Jersey representing the adjacent property owners, the Meuniers and the Bohnsacks. Mr. Platt stated that the plan had been reviewed and that the plan complied with the terms of the proposed settlement.

Mr. Leon Tyszka, P.L.S. with the firm of Nelke/Tyszka Land Surveyors, LLC was sworn and qualified. Mr. Tyszka stated that the structure was now proposed to be thirteen feet wide where twelve and a half feet had previously been approved which reduced the side yard setbacks. He noted that three feet had been taken off the length of the structure and that the spiral stair had been moved to the opposite side of the home. Mr. Tyszka stated that the lot coverage would not exceed 37%. Mr. Tyszka stated that an offset had been provided for an additional parking space in addition to the two provided within the building.

Mr. David Gaffin, Architect with the firm of Studio Tagland Designs, LLC was sworn and qualified. Mr. Gaffin described the proposed plans and the changes from the plan that the Board had approved in 2015.

Mr. Snyder stated that the proposed structure had been changed to satisfy the neighbors' concerns. Mr. Snyder stated that they had tried to comply with the wishes of the Board and meet the concerns of the adjoining property owners.

Mr. Platt asked Mr. Tyszka to look at the Consent Order of Remand with Conditional Settlement Agreement attached to look at items #1 through #7 to make sure that they appeared on the plan as submitted and were consistent with the settlement agreement as proposed. Mr. Tyszka addressed each item.

Mr. Platt asked Mr. Gaffin if the architectural plans submitted complied with item #6 of the Agreement as to double hung windows and obscure glass and he replied that it would be added to the plan.

Mr. Platt requested that the Board approve the Settlement as proposed.

The Public Session was closed.

The Board felt that as long as the exterior walls were fire rated and that the neighbors were in agreement with the proposed plan that they would be in favor of the application. It was noted that the increase in lot coverage on the small lot would not be significant and that the proposal was fine compared to what had previously been approved.

Konnor moved, seconded by Hummel to approve the Settlement Agreement with the additional bulk variances with the condition that the windows be obscure glass as outlined in #6 of the agreement. The following roll call vote was recorded: Konnor, Hummel, Pingaro, Schnell, Roth and Stewart all voted YES.

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

(2) #LUB-18-18 BEACH HAVEN CREST

KENNETH M. & NORA A. MARTIN

Owners & Applicants

Block 14.12, Lots 8 & 9, Unit A

Mr. James Raban, Esquire of Haven Beach, NJ represented the applicants and requested that the application be held over to the September 12, 2018 meeting. Mr. Sicheri stated that a waiver of time was required.

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Mr. Southwick rejoined the Board for the remainder of the evening.

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

(Tape #672 – Side 2)

(3) #LUB-17-18 BEACH HAVEN CREST

STACY & JOHN HEALY

Owners and Applicants

Block 14.12, Lots 8 & 9, Unit D

Mr. James Raban, Esquire of Haven Beach, NJ represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Survey prepared by Nelke/Tyszka Land Surveyors, LLC dated April 15, 2010, #A-2, Survey prepared by Ramirez Engineering, Consulting Civil Engineers dated May 24, 2018, #A-3, two page architectural drawing provided by the homeowner dated July 14, 2018, #A-4, and, letter from Carole Chappelle, President of the

7700 Long Beach Boulevard Condo Association dated May 4, 2018, #A-5. The Board members noted that an Area Map was not included on the Survey prepared by Ramirez Engineering. It was noted that a waiver of the site plan requirements had been requested and that the Board had a right to see where parking was proposed. Mr. Sicheri stated that there would be a third application submitted as well, for a deck on a third unit.

It was determined that the application would be carried to the September 12, 2018 meeting.

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Mr. Hummel returned to the Board for the remainder of the evening.

(4) #LUB-19-18 BRIGHTON BEACH

STEPHEN & SHIRLEY MANGHISI

Owners and Applicants

Block 13.09, Lot 10

Mr. Richard Visotcky, Esquire of Manahawkin, NJ represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Horn, Tyson and Yoder, Inc., dated May 21, 2018, #A-2, and, three page architectural drawing prepared by Craig W. Brearley, A.I.A., dated June 27, 2018, #A-3. Mr. Visotcky stated that the applicants proposed to demolish the existing home and construct a new two story single family home. Mr. Visotcky stated that they were seeking bulk variances for front yard setback and distance between structures.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the location and current conditions of the property. Mr. Brzozowski submitted photographs of the property marked #A-4. Mr. Brzozowski described the photographs. Mr. Brzozowski stated that the variances were being sought because of the proximity of the adjacent houses. He noted that the house to the east was 5 foot off of the property line and the house to the west was 6.2 feet off of the property line which caused a loss of four feet of the width of the house. Mr. Brzozowski stated that in addition to two parking spaces in the garage, an eleven foot driveway would also be provided for parking. He discussed the proposed front landing and steps noted that the setback to the west would be improved.

Mr. Craig Brearley, Registered Architect of Manahawkin, NJ was sworn and described the proposed architectural plans to the Board. Mr. Brearley noted that the proposed home conformed to the allowable lot coverage.

Mrs. Shirley Manghisi, owner was sworn and testified that the current home was rented out during the summer but it was planned that they would live in the new house year round. Mrs. Manghisi stated that they were in need of the extra space to make the rear yard less restrictive for their disabled son.

(Tape #673 – Side 3)

Mr. Thomas Gutchigian of 113 E. 85th Street was sworn and testified that he was in support of the application.

Mrs. Mary Ann Gutchigian f 113 E. 85th Street was sworn and testified that she was in support of the application.

The Public Session was closed.

The Board felt that since the two adjoining property owners were very close with narrow setbacks that they would be in favor of the application, noting that the lot coverage was conforming. It was noted that the parking was improved and that no neighbors spoke against the application.

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

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Under **Correspondence** the Board discussed the request for an extension of time for the **Touchstone (LUB-34-25PF)** Major Site Plan application. The Board approved of the Extension 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 8:25 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN