

BRANT BEACH, NEW JERSEY  
MARCH 11, 2020

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, 2020 as required by the Open Public Meeting Act."

Members of the Board present: **E.J. Hummel, R. Pingaro, R. L. Jones and Mrs. L. J. Schnell presiding.**

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

Alternate members of the Board present: **R.B. Roth, Jr., Mrs. P.M. Caplicki, Mrs. K. Ducker and A. Meehan.**

Alternate members of the Board absent: **None.**

Also present were the following: **A.P. Sicheri, Esq., Board Attorney, Mrs. S. L. Bongiovani, Clerk and Ms. Jackie Fife, Clerk.**

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**(Tape #720 - Side 1)**

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

**1. #LUB-33-19-PF: EISENBERG (Block 7.04, Lots 11 and 12) 6 East Maryland Avenue, Beach Haven Terrace:** Mr. Sicheri stated that the applicant proposed to demolish the existing mixed use structure and construct a new two family home with commercial storage underneath. Mr. Sicheri stated that the application had been carried from the November, 2019 meeting and that the plans had been modified so that bulk variances were no longer required. He noted that preliminary and final site plan approval, special reasons variance, planning waivers and waiver from site plan detail were required.

**2. #LUB-7-20: ARMINIO (Block 15.30, Lot 6) 25 East Sigsbee Avenue, Brant Beach:** Mr. Sicheri stated that the applicants proposed to demolish the existing single family structure and construct a new single family home. Mr. Sicheri noted that the lot was not grandfathered and therefore required bulk variances for lot width and lot area.

3. **#LUB-8-20: KARMIZAN (Block 18.93, Lots 2 and 3) 1093C Long Beach Boulevard, North Beach:** Mr. Sicheri stated that the applicant proposed a minor subdivision to create two single family building lots which required bulk variances for combined side yard setback and setback from the easement. He noted that the applicant proposed to vacate the north/south easement to eliminate the need for the setback variance.

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Minutes of the meeting held January 8, 2020 were presented for approval. **Pingaro** moved, seconded by **Roth** for adoption. **Hummel, Pingaro, Schnell, Jones, Roth, Caplicki, Ducker and Meehan** all voted **YES**.

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

1. **#LUB-29-19: MAHNKEN** – Resolution of Approval moved by **Roth**, seconded by **Jones**. The following roll call vote was recorded: **Schnell, Jones and Roth** all voted **YES**.

2. **#LUB-3-20: BUCHALTER** – Resolution of Approval moved by **Jones**, seconded by **Pingaro**. The following roll call vote was recorded: **Hummel, Pingaro, Schnell, Jones, Roth, Caplicki, Ducker and Meehan** all voted **YES**.

3. **#LUB-4-20: AITKEN** – Resolution of Approval moved by **Roth**, seconded by **Meehan**. The following roll call vote was recorded: **Hummel, Pingaro, Schnell, Roth, Caplicki, Ducker and Meehan** all voted **YES**.

4. **#LUB-5-20: LEVINE** – Resolution of Denial moved by **Jones**, seconded by **Hummel**. The following roll call vote was recorded: **Hummel, Pingaro, Schnell, Jones, Roth and Caplicki** all voted **YES**.

5. **#LUB-6-20: PINZIMINIO** – Resolution of Approval moved by **Hummel**, seconded by **Caplicki**. The following roll call vote was recorded: **Hummel, Pingaro, Schnell, Jones, Caplicki, Ducker and Meehan** all voted **YES**.

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

(1) **#LUB-1-20** BEACH HAVEN TERRACE

**GERALD M. AND KAREN M. BALERNO**

Owners and Applicants

Block 7.17, Lot 7

Mrs. Schnell stated that the applicants requested that the application be carried to the April 8,

2020 meeting.

**Hummel moved, seconded by Meehan to hold the application over with a fee and with the condition that the applicants renote.** The following roll call vote was recorded: **Hummel, Pingaro, Schnell, Jones and Roth** all voted **YES**.

(2) #LUB-7-20 BRANT BEACH

**DAVID AND JENNIFER ARMINIO**

Applicants

**JUDITH MURPHY, WILLIAM MANN AND SUSAN AUSTIN**

Owners

Block 15.30, Lot 6

**Ms. Deidre Martin, Esquire of Manahawkin, NJ represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1**, Plan of Survey prepared by Harris Surveying, Inc., dated October 19, 2019, **#A-2**, and, four page Architectural drawing prepared by Ten 10 Architecture dated January 7, 2020, **#A-3**. Ms. Martin described the property to the Board and noted that the proposal for a new structure required bulk variances for lot area and lot width. She stated that the front yard setback would be improved and that the new structure would be above the base flood elevation.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.** was sworn and described the existing property to the Board. He noted that it was proposed to demolish the existing single family home and to build a new three story single family home. He noted that the new home would meet all of the bulk requirements and that the variances they were seeking were for lot width and area.

The proposed parking was discussed.

Ms. Martin requested that the application be approved as submitted.

**The Public Session was closed.**

The Board noted that the proposed new structure would improve the setbacks on the lot and would be an improvement for the neighborhood.

**Roth moved, seconded by Hummel to approve the application as submitted.** The following roll call vote was recorded: **Hummel, Pingaro, Schnell, Jones, Roth, Caplicki, Ducker and Meehan** all voted **YES**.

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(3) #LUB-8-20 NORTH BEACH

**SHARON KARMIZAN**

Owner and Applicant  
Block 20.172, Lot 1

**Mr. Richard Visotcky, Esquire of Manahawkin, NJ represented the applicant and evidence was marked as follows:** Application and Attachments, #A-1, Subdivision Map prepared by Horn, Tyson and Yoder, Inc., dated December 12, 2019, #A-2, Revocation of easement recorded January 28, 2020, #A-3, and, Review letter from Frank J. Little, Jr., dated March 3, 2020, #B-1. Mr. Visotcky stated that the applicant had purchased the adjacent lot in 2000 and merged the two lots with a deed of consolidated in 2001. He stated that they were now before the Board for a subdivision to return the property to two lots. Mr. Visotcky noted that there was a north/south easement located between the two lots which had now been vacated, increasing the gross lot area of the proposed subdivided lot.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.** was sworn and described the existing property to the Board. He described the proposed lots to the Board. He noted that there was a set of steps on the existing structure that encroached into the easement and stated that no changes were proposed for the oceanfront home. The proposed turnaround was discussed.

**The Public Session was closed.**

The Board noted that as long as it was clear on the filed map that the turnaround was part of the east/west easement they would be in favor of the application.

**Roth moved, seconded by Pingaro to approve the application as submitted.** The following roll call vote was recorded: **Hummel, Pingaro, Schnell, Jones, Roth, Caplicki, Ducker and Meehan** all voted YES.

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**(4) #LUB-33-19-PF BEACH HAVEN TERRACE**

**STEVEN EISENBERG**  
Owner and Applicant  
Block 7.04, Lots 11 and 12

**Mr. Stuart Snyder, Esquire of Surf City, NJ represented the applicant, noted that the application had been carried from the November 13, 2020 meeting and additional evidence was marked as follows:** Revised Site Plan/Variance Map prepared by Horn, Tyson and Yoder, Inc., dated December 11, 2017 revised December 3, 2019, #A-4, four page Architectural Plan prepared by Architectural Integrity, LLC dated July 30, 2019 revised November 27, 2019, #A-5, Review letter from Frank J. Little, Jr., P.E., Board Engineer, dated December 5, 2019, B-2, Revised Site Plan/Variance Map prepared by Horn, Tyson and Yoder, Inc., dated December 11, 2017 revised February 25, 2020, #A-6, Review letter from Frank J. Little, Jr., P.E., Board Engineer, dated December 5, 2019, B-3, Certification that Alexander Meehan, Class IV Alternate Member

of the Board listened to the recording of the November 13, 2019 meeting, **B-4**, and Certification that Joseph Hummel, Class IV Alternate Member of the Board listened to the recording of the November 13, 2019 meeting, **B-5**. Mr. Snyder stated that the property was located directly east of the Terrace Tavern. Mr. Snyder noted that after listening to the Board's comments at the November meeting it appeared that the proposal was somewhat ambitious and therefore the applicant revised the plans. Mr. Snyder stated that the building was reduced in size to meet the allowable lot coverage, the trash storage was relocated and a loading zone was added. Mr. Snyder stated that except for the nonconforming two family use, the proposal complied with the ordinances.

(720 – Side 2)

**Mr. Sean McGovern, of Architectural Integrity, LLC, Manahawkin, NJ, Licensed Architect in the State of New Jersey** was sworn and described the revised plans to the Board. He stated that the plans had been revised to eliminate all bulk variances. Mr. McGovern stated that the 483 square foot storage unit for the use of the Terrace Tavern had been maintained and would be located on the commercial portion of the lot. He noted that the storage area would be accessed by a traditional garage door and a man door and would not look any different than a residence.

**Mr. James Brzozowski, P.E., P.P., licensed in the State of New Jersey and with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and testified as to the changes that had been made to the original proposal before the Board. Mr. Brzozowski stated that variances requested for lot coverage, combined side yard setback and the fence had been eliminated. He noted that the commercial aspect of the building was located on the west side of the building and located within the commercial portion of the split zone lot. Mr. Brzozowski stated that the proposed building had been slid to the east to maintain the proposed parking and add a loading zone to the plan. He stated that the fully enclosed trash enclosure would be located at the end of the loading zone. The existing site was discussed and Mr. Brzozowski noted that there were nine existing nonconformities and all of them would be removed. He stated that a use variance required for the proposed duplex. Mr. Brzozowski stated that the proposal was a good transition from the westerly commercial property to the residential properties to the east. Mr. Brzozowski stated that in his opinion the variance could be granted without any substantial detriment to the public good. Mr. Brzozowski stated that adequate light, air and open space would be provided.

**Mr. Luke Lubinsky of 3 East Delaware Avenue, adjoining property owner to the rear of the subject property,** was sworn and testified that he was concerned with the raising of the grade and the runoff to his property. Mr. Little stated that the proposed drainage was as per ordinance and that the property would drain to the street. Mr. Lubinsky stated his concerns with the containment of the trash noting it was proposed to be located about twenty-five feet from his home.

**Mr. Joseph Hoffmann of 12 East Maryland Avenue** was sworn and asked about the proposed building being moved towards the east and Mr. Brzozowski stated that the building was proposed to be located twelve and a half feet from the easterly building line.

**The Public Session was closed.**

Mr. Snyder stated that the revised plans were an improvement over that which was previously submitted noting that the drainage was addressed as well as the size of the building. Mr. Snyder requested that the Board favorably consider the application.

While some members of the Board felt that the proposal was an improvement over the prior plans, most members were concerned with the proposed nonconforming duplex use and were opposed to increasing the density in the area. It was noted that a single family home could be constructed on the lot.

**Hummel moved, seconded by Pingaro to Deny the application as submitted.** The following roll call vote was recorded: **Hummel, Pingaro, Schnell, Roth, Caplicki and Meehan** all voted **YES**. **Jones** voted **NO**. **The motion carried and the application was denied.**

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Under **New Business** the Board discussed proposed **Ordinances #20-10C and 20-11C** and approved of the Ordinances, as written, 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 8:20 P.M.

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