

**DRAFT**

APPLICATION NO. LUB 8-20

**LONG BEACH TOWNSHIP LAND USE BOARD  
RESOLUTION OF MEMORIALIZATION**

**WHEREAS**, application has been made to the Long Beach Township Land Use Board by SHARON KARMAZIN, the owner of the lands and premises known and designated as Lots 2 & 3 in Block 18.93 on the Official Tax Map of Long Beach Township, which lands and premises are located at 1093 C Long Beach Boulevard, Long Beach Township, New Jersey for a Minor Subdivision, bulk variance and waiver approvals to subdivide the property into two (2) new single family residential lots; and

**WHEREAS**, the jurisdictional requirements of N.J.S.A. 40:55D-12 have been satisfied in that notice of this application has been given to all property owners within two hundred (200') feet of the property in question and notice of this application has been duly published in the Beach Haven Times, the official newspaper of the Township, all as required by law; and

**WHEREAS**, the Long Beach Township Land Use Board has received a report from its Engineer, Frank J. Little, Jr., PE, dated March 3, 2020, which report was duly marked as Exhibit B-1 in evidence at the time of the public hearing conducted March 11, 2020 and is specifically incorporated herein by reference; and

**WHEREAS**, the Long Beach Township Land Use Board, after carefully considering the application, plans, exhibits and testimony presented by the applicant, as well as the representations of the applicant's attorney, Richard P. Visotcky, Esquire, and members of the public, at the public hearing conducted on March 11, 2020, has made the following findings of fact:

- (1) The applicant is the owner of the above referenced premises having a total gross lot area of 32,100 square feet.
- (2) The subject premises is ocean-front and is currently improved by a two-story single family dwelling and is located in the R10 General Residential Zone.
- (3) The applicants vacated the twenty (20') foot easement running north to south in the center of the tract being subdivided. The said easement was vacated by Deed dated January 28, 2020 and recorded in the Ocean County Clerk's Office in OR Book 17766 at page 872.

(4) The applicant is proposing to subdivide the property into two (2) new single family residential lots: a) proposed lot 3.01 which will have a gross lot area of 10,000 square feet and measures 100 feet by 100 feet with a net area, exclusive of the access easement, of 8,000 square feet and will be a conforming lot; b) proposed lot 3.02 which will have a gross area of 32,100 square feet and a net area of 6,800 square feet west of the building line.

(5) A bulk variance is required for proposed lot 3.02 as the minimum net lot area west of the building line, exclusive of the access easement, should be 8,000 square feet where 6,800 square feet is proposed. In addition, a bulk variance is required from the setback from the existing 15 foot wide access easement as 20 feet is required and 4.90 feet is existing and is proposed.

(6) The Board notes that currently steps from the existing structure encroaches 3 feet into the existing 15 feet wide access easement. The Board finds this to be a pre-existing condition and is not requiring the steps be relocated.

(7) A 15 foot wide access easement and a 6 foot wide walkway easement currently exists along the northerly portion of the property and is proposed to remain in place.

(8) No architectural plans have been submitted as part of this application and the Applicant requires a Waiver from this requirement.

(9) The Board incorporates herein the plans prepared by Horn, Tyson & Yoder, Inc., entitled "Minor Subdivision Lot 3, Block 18.93 Tax Map Sheet #23 Long Beach Township, Ocean County, New Jersey" dated 12/12/2019.

(10) The applicant's professionals testified that the dwelling to be constructed on proposed lot 3.01, will be designed so that no bulk variance relief will be necessary.

(11) The Board specifically finds that the proposed variances and subdivision does present a better zoning alternative to a large non-conforming duplex structure and can be granted without substantial detriment to the neighborhood; and

**NOW THEREFORE, BE IT RESOLVED**, this     day of     , 2020, by the Long Beach Township Land Use Board, that the application for a Subdivision, Variances and Waivers by the Applicant, SHARON KARMAZIN, be, and is hereby granted for the reasons set forth herein. The relief granted shall be subject to the following conditions:

1. That the applicant obtain the following additional approvals:
  - a. Ocean County Planning Board;
  - b. Ocean County Soil Conservation District Approval- Soil Erosion Sediment Control Plan;
  - c. Monuments shall be set in accordance with the New Jersey Map Filing law.
  - d. Long Beach Township Tax Assessor, as to the proposed designation of the new lots established by this Subdivision approval; and
  - e. Such other outside agency as may be required;
2. That the applicant submit a revised Subdivision Map identifying the proposed turn-around as part of the access easement;
3. That the applicant post any and all required performance bonds, as well as any and all inspection fees required by the Township Engineer, the Construction Code Official, Building Officer and/or as required by the Land Use Ordinances of the Township of Long Beach; the amount of the said bonds and inspection fees shall be determined by the Township Engineer and shall be in the forms approved by the Township Attorney;
4. That the applicant comply with all of the conditions required by the Township Engineer, as set forth in the Township Engineer's Report to the Board dated March 3, 2020 and all subsequent amendments thereto;
5. That the applicant file a Deed specifically referencing this approval by Application number and date. The Deeds are to be approved as to form by the attorney for the Long Beach Township Land Use Board, prior to recording, and that a recorded copy of the said Deed be submitted to the Board for its records, said Deed shall not be in lieu of the applicants filed Subdivision Plat Map in accordance with the requirements of the Municipal Land Use Law;
6. That if another government agency grants a waiver or variance of a regulation effecting this approval or of the conditions affecting same, this Board shall have the right to review that issue as it relates to this approval and these conditions and may modify or amend same; and
7. That all Codes and Ordinances be complied with, other than as varied herein.

This Resolution is intended to memorialize the action taken at the Regular Meeting by the Long Beach Township Land Use Board of March 11, 2020.

Moved by:

Seconded by:

ROLL CALL VOTE:

Ayes:

Nays:

Certified to be a true copy of a Resolution adopted at a Regular Meeting of the  
Land Use Board held on

Dated:

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Ronald Pingaro, Secretary

**DRAFT**

APPLICATION NO. LUB 7-20

**LONG BEACH TOWNSHIP LAND USE BOARD  
RESOLUTION OF MEMORIALIZATION**

**WHEREAS**, application has been made to the Long Beach Township Land Use Board by DAVID ARMINIO and JENNIFER ARMINIO, the contract purchasers of the lands and premises known and designated as Lot 6 in Block 15.30 on the Official Tax Map of Long Beach Township, which lands and premises are located at 25 East Sigsbee Avenue, Long Beach Township, New Jersey, for bulk variances to permit the demolition of the existing single family dwelling and the construction of a new single family dwelling on a 3,750 square foot lot; and

**WHEREAS**, the jurisdictional requirements of N.J.S.A. 40:55D-12 have been satisfied in that notice of this application has been given to all property owners within two hundred (200') feet of the property in question and notice of this application has been duly published in the Beach Haven Times, the official newspaper of the Township, all as required by law; and

**WHEREAS**, the Long Beach Township Land Use Board, after carefully considering the application, plans, exhibits and testimony presented by the applicant, as well as the representations of the applicants' attorney, Deidre M. Martin, Esquire and members of the public at the hearing conducted on March 11, 2020, has made the following findings of fact:

(1) The premises are owned by Judith L. Murphy residing at 109 Spring Lane, Beaver, PA 15009, William R. Mann residing at 446 Tank Farm Road, Aliquippa, PA 15001 and Susan C. Austin residing at 195 Woodridge Drive, Beaver, PA 15009, as Tenants in Common.

(2) The premises have the dimensions of 37.50 feet in width by 100 feet in depth, for a total lot area of 3,750 square feet.

(3) The premises are located in the R-50 Residential Zone and are improved by a two story single family dwelling.

(4) The applicants propose to demolish the existing home and construct a new, two story single family dwelling on the premises which will conform to all bulk requirements of the R-50 Zone except for the required minimum lot area and lot width.

(5) The lot size is not grandfathered under the Long Beach Township Ordinance Section 205-17 as the lot width is less than 40 feet.

(6) The applicants require a bulk variance from the required lot area and lot width.

(7) The Board notes that there is currently a dwelling on the lot which does not conform to the bulk requirements of the zone.

(8) The Board specifically incorporate herein the plans prepared by Harris Surveying, Inc., entitled Plan of Survey for JDM Andrews Construction, Inc., located at lot 6, block 15.30, Long Beach Township, Ocean County, New Jersey" dated 10/18/2019 and the plans prepared by Ten 10 Architecture, LLC entitled, Proposed Single Family Residence, 25 East Sigsbee Avenue, Long Beach Township, New Jersey 08008, Block 15.30, lot 6.

(9) The Board finds that the dwelling as proposed is designed to be in keeping within the size of the lot and is an improvement over what is currently on the premises and will meet all of the bulk requirements.

(10) The Board notes that the removal of the existing structure and replacement with a new, aesthetically pleasing dwelling that will meet all building and flood code requirements substantially outweighs the detriment of granting the two variances requested.

(11) The Board specifically finds that the design of the new home that is proposed is a good design for the home on this lot and that the home as designed will be an asset to the neighborhood and is in keeping with the other homes in the neighborhood.

(12) The applicants have established undue hardship as the lot in question is substantially undersized.

(13) The denial of the variances requested will deprive the applicants of a fair and reasonable use of their property without any corresponding benefit to the public good.

**NOW THEREFORE, BE IT RESOLVED** this day of , 2020, that application of DAVID ARMINIO and JENNIFER ARMINIO, be and is hereby granted in accordance with the application, drawings and plans prepared by prepared by Harris Surveying, Inc., entitled Plan of Survey for JDM Andrews Construction, Inc., located at lot 6, block 15.30, Long Beach Township, Ocean County, New Jersey" dated 10/18/2019 and the plans prepared by Ten 10 Architecture, LLC dated January 17, 2020, entitled, Proposed Single Family Residence, 25 East Sigsbee Avenue, Long Beach Township, New Jersey 08008, Block 15.30, Lot 6, as submitted by the applicant. The relief granted, however, is subject to the following conditions:

- a) That the applicant apply for all required building permits in due form within nine (9) months of the date hereof; and

- b) That all codes and ordinances be complied with other than as varied herein.

This Resolution is intended to memorialize the action taken by the Long Beach Township Land Use Board of March 11, 2020.

Moved by:

Seconded by:

ROLL CALL VOTE:

Ayes:

Nays:

Certified to be a true copy of a Resolution adopted at a Regular Meeting of the Land Use Board held on April 8, 2020.

Dated:

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Ronald Pingaro, Secretary

**DRAFT**

APPLICATION NO. LUB 33-19 PF

**LONG BEACH TOWNSHIP LAND USE BOARD  
RESOLUTION OF MEMORIALIZATION**

**WHEREAS**, application has been made to the Long Beach Township Land Use Board by STEVEN EISENBERG, the owner of the lands and premises known and designated as Lots 11 & 12 in Block 7.04 on the Official Tax Map of Long Beach Township, which lands and premises are located at 6 E. Maryland Avenue, Beach Haven Terrace, New Jersey, for Preliminary and Final Minor Site Plan approval and for Special Reasons and Bulk Variances and Planning Waivers to permit the construction of a duplex dwelling and an additional commercial unit on the ground level; and

**WHEREAS**, the jurisdictional requirements of N.J.S.A. 40:55D-12 have been satisfied in that notice of this application has been given to all property owners within two hundred (200') feet of the property in question and notice of this application has been duly published in the Beach Haven Times, the official newspaper of the Township, all as required by law; and

**WHEREAS**, the Long Beach Township Land Use Board, after carefully considering the application, plans, exhibits and testimony presented by the applicant, as well as the testimony of members of the public, along with the representations of the applicant's attorney, Stuart D. Snyder, Esquire, at the public hearings conducted on November 13, 2019 and March 11, 2020, has made the following findings of fact:

(1) The applicant is the owner of the above described premises, having the dimensions of 80 feet in width by 66.25 feet in depth, for a total lot area of 5,300 square feet.

(2) The premises are located in both the R 50 General Residential zone and in the C Commercial Zone and is currently improved by an existing one story mixed use building with existing lot coverage of 64.4%.

(3) The Board specifically incorporates herein by reference the reports of it's Engineer, Frank J. Little, Jr., P.E., dated October 29, 2019, December 5, 2019 and March 3, 2020, and marked Evidence.

(4) The Board specifically incorporates herein by reference the plans prepared by Horn, Tyson & Yoder, Inc., entitled, "Site Plan/Variance Plan lots 11 & 12, Block 7.04 Tax Map Sheet #11, Long Beach Township, Ocean County, New Jersey, dated 12/11/2017 bearing the latest revision date of 02/25/2020.



(5) The Board specifically incorporates herein by reference the plans prepared by Architectural Integrity, LLC entitled, "New Two Family Res. Block 7.04, Lots 11 & 12 6 Maryland Avenue, Long Beach Township, Ocean County, NJ" dated July 30, 2019 revised November 27, 2019.

(6) The applicant proposes to demolish the mixed use building and construct a new, two-story duplex and an additional commercial unit for storage purposes on the ground level.

(7) Since the Board's meeting in November 13, 2019, the applicant has revised his plans to include a 9 foot by 28 foot loading zone where previously no loading zone was proposed and to include a 6 foot by 9 foot trash enclosure in lieu of the 3 foot by 12 foot trash enclosure previously provided.

(8) The applicant proposed to comply with all setback and lot area requirements for the R50 General Residential zone.

(9) The proposed duplex is not a permitted use in either the R50 General Residential Zone or in the General Commercial Zone, and, therefore, the applicant requires a special reasons variance to permit the duplex dwelling proposed.

(10) The commercial unit for storage purposes is proposed to be located in the General Commercial Zone.

(11) The applicant requires a planning waiver from having to submit full site plan details.

(12) The construction as proposed would be an over-development of this small lot and would result in a substantial increase in density by constructing two residential uses on the undersized lot together with a separate commercial use.

(13) The Board notes that the proposed structure and use would not be in keeping with the other dwellings in the neighborhood;

(14) The variances requested by the applicant can be denied without depriving the applicant of a fair and reasonable use of his property.

(15) The Board finds that the applicant has failed to meet the positive and negative criteria of N.J.S.A. 40:55(D)-70d and that the proposed construction presents substantial intensification of the use of the property.

**NOW THEREFORE, BE IT RESOLVED**, this    day of    , 2020 by the Long Beach Township Land Use Board that the application of STEVEN EISENBERG, for Preliminary and Final Site Plan Approval, special reasons variance, and design waiver is hereby denied for the reasons stated herein.

This Resolution is intended to memorialize the action taken by the Long Beach Township Land Use Board of March 11, 2020.

Moved by:

Seconded by:

ROLL CALL VOTE:

Ayes:

Nays:

Certified to be a true copy of a Resolution adopted at a Special Regular meeting of the Land Use Board held on

Dated:

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Ronald Pingaro, Secretary