

LONG BEACH TOWNSHIP PLANNING BOARD  
OCEAN COUNTY, NEW JERSEY

RESOLUTION 42-86

WHEREAS, the Application of Andrew and Barbara Guerriero, Application No. 9-SP-86, for site plan approval of Lot 7, Block A-10, Beach Haven Heights, Long Beach Township, Ocean County, New Jersey, was considered by the Planning Board at a regular meeting held on November 6, 1986; and

WHEREAS, the Application and Plan prepared by Nelke/Deneka Engineering, with last revision date of September 4, 1986, was reviewed by the Board and the Planning Board Engineer and the Planning Board Engineer's Report under date of September 23, 1986 was presented to and considered by the Board; and

WHEREAS, the Planning Board determined that it had jurisdiction to entertain this Application; and

WHEREAS, the Applicant's Attorney REGINALD RABAN, ESQUIRE, appeared before the Board on behalf of the Applicant and indicated as follows:

A. The Planning Board approved a minor subdivision for the subject property in the spring of 1986 to add and incorporate an additional ten foot strip of property that the Applicant purchased from the adjoining property owner to increase the size of the property and thereby reduce the magnitude of the variance now before the Board in conjunction with the site plan application with regard to the construction of decks and stairs to the residential second floor of the property and with regard to relocation of the entrance to the commercial first floor area.

B. Mr. Raban indicated that the Applicant is not intensifying the use of the property but is simply making renovations to entrance access to both the first and second floor areas.

C. The acquisition of the ten foot strip of land from the adjoining property owner actually expands the driveway and setback area by 2.2 feet from the situation existent prior to the acquisition of the additional property. This, in effect, expands the driveway and increases the driveway entrance by 2.2 feet more than was existent prior to the consolidation of the additional ten (10) foot strip of land.

D. The new driveway now has 20 feet and the Applicant will be utilizing eight feet as a result of expansion of the deck leaving a net gain of 2.2 feet.

E. Approval of the Application will actually expand offstreet parking and thereby alleviate concerns of area residents and neighbors with regard to the limited nature of offstreet parking in the neighborhood. Most delivery trucks visiting the property will be small panel trucks which should have sufficient turning radiuses for deliveries in the rear of the property.

F. The Applicant is also requesting "waivers" from the asphalt parking requirement inasmuch as the current parking lot is paved with stone and the Applicant does not wish to increase "impervious cover" and thereby increase potential on and offsite drainage problems.

WHEREAS, the letter was received from Ronald and Patricia Grosardt under date of October 28, 1986, which was read and made part of the record and which is incorporated herein as an attachment. Mr. and Mrs. Grosardt indicate that they are the owner of the business establishment in close proximity to the Guerriero property known as the "Jolly Roger." They comment as to existing offsite parking problems and indicate their opposition to any site plan or variance application which would tend to increase said offsite parking problems; and

WHEREAS, a letter was also received from Mr. and Mrs. McCarty who own the property located at 5400 South Bay Avenue which adjoins the Guerriero property. A copy of this letter is attached hereto and made a copy hereof. Mr. and Mrs. McCarty indicate that they do not oppose the Guerriero application. However, they indicate that their survey indicates that the current barrier between the two properties is located several feet on their lot. Accordingly, they request the Planning Board to require the Applicant to clearly mark the legal boundary of the two properties with a permanent monument and to place the Applicant's current barrier within their property line; and

WHEREAS, the Planning Board has made the following factual findings and conclusions based thereon:

1. The property in question is located on the westerly side of Long Beach Boulevard, 70 feet south of Washington Street, in the Beach Haven Heights section of the Township.
2. The property is situated in the C-General Commercial Zone and comprises an area of 5000 square feet.
3. The existing two story building on the site is currently being used as a combined residential/commercial establishment. The commercial use is on the ground floor and is a take-out delicatessen. The residence is located on the second floor.
4. The Applicant proposes to construct decks and stairs to the residential second floor and to relocate the entrance to the commercial first floor area. The Applicant also proposes to provide additional off-street parking at the rear of the property.
5. The proposed "loading zone" may not be considered as a parking space under the Township's Ordinance Requirements.
6. The Applicant considers one residential parking space to be within the existing garage. The Planning Board Engineer has inspected the subject premises and finds that the area designated as a garage is not accessible for vehicles. The opening is too narrow (7 feet) and the floor elevation has a vertical drop of approximately eight inches.

7. No improvements are proposed on either the site plan or the architectural drawing.
  8. The Applicant is providing six off-street parking spaces whereas seven are required by Ordinance. A variance for one space has been requested. However, the Applicant is proposing more off-street parking spaces than are currently existent on the property and is thereby creating a community benefit in light of current neighborhood current off-street parking problems.
  9. The Applicant has also requested a waiver to provide gravel within the parking and driveway areas whereas bituminise or concrete impervious paving are required. The Board is of the opinion that the waiver should be granted inasmuch as the current parking area is gravel and in order to minimize drainage impacts, both on and offsite, resulting from additional impervious cover in the parking and driveway areas.
  10. The Board is of the opinion that a "Parking in the Rear" sign should erected on the property to clearly indicate to the public and invitees to the property that additional parking is available to the rear of the property.
  11. The Board is of the further opinion that fences should be erected along the rear and sideyard property lines if requested by the adjoining property owners.
  12. In conclusion, the Board was of the opinion that the Application should be approved to encourage onsite parking in the general neighborhood and alleviate the current offsite parking problems now plaguing the neighbors.
- WHEREAS, formal action of the Planning Board was taken at the meeting of November 6, 1986 approving the Application for the reasons aforesaid and it is necessary to memorialize said approval by this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE LONG BEACH TOWNSHIP PLANNING BOARD, OCEAN COUNTY, NEW JERSEY, as follows:

1. That the aforesaid Application for site plan and variance approvals is hereby approved based upon the aforesaid factual findings and conclusions.
2. That this approval is expressly subject to compliance with provisions contained in the letter of Charles H. Mackie Associates, Inc., dated September 23, 1986, a copy of which is attached hereto and incorporated herein.
3. This approval is further subject to and conditioned upon the Applicant erecting a "Parking in Rear" sign at or about the driveway street entrance to indicate to the general public that additional onsite parking is available to the rear of the property.
4. This approval is further Conditioned upon and subject to the Applicant erecting fences along the rear and sideyard property lines if and as requested by the adjoining property owners.
5. This approval is further conditioned upon and subject to any and all governmental permits or approvals required by law including, but not limited to, those approvals set forth in the report of Planning Board Engineer.
6. That a certified copy of this Resolution be forwarded to the Applicant and filed with the Township Clerk within ten (10) days of the date that this Resolution is adopted and that Notice of Final Decision be published in accordance with law.

AYE: *Conroy, Gilant, Goldberger, Maricini, Stuenkel*  
NO: *None*  
OBSTAIN: *None*

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by a majority vote of those members present at the meeting of *Dec. 4*, 1986, voting in favor of the action taken at the regular meeting of the Long Beach Township Planning Board held on November 6, 1986.

DATED: *March 18*, 198*6*

(SEAL)

*Dorothy S. Cranmer*  
DOROTHY S. CRANMER, CLERK OF BOARD