

**RABAN & RABAN**

— LLC —

*Attorneys at Law*

**11710 Long Beach Blvd.**

**Haven Beach, NJ 08008**

REGINALD J. RABAN (Retired)

JAMES S. RABAN\* ▲

MEMBER OF NJ BAR \*

MEMBER OF PA BAR ▲

TEL (609) 492-0533

FAX (609) 492-0464

Email: [jraban@regraban.com](mailto:jraban@regraban.com)

October 27, 2021

Via Hand Delivery and [Jfife@longbeachtownship.com](mailto:Jfife@longbeachtownship.com)

Jackie Fife

Long Beach Township Land Use Board

6805 Long Beach Boulevard

Brant Beach, NJ 08008

Re: Bowker's South Beach Grill, LLC Site Plan  
Block 1.10 Lot 7  
5404 S. Long Beach Blvd., Long Beach Township

Dear Jackie:

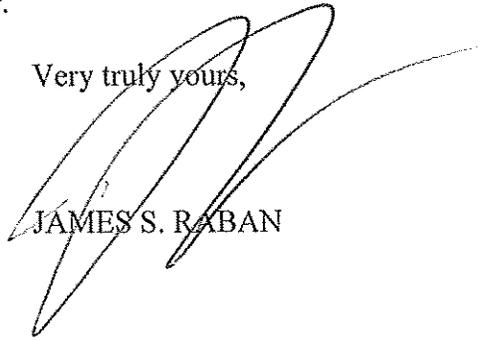
Enclosed please find the following with regard to the above referenced matter:

- (x) 14 copies of Land Use Development Application
- (x) 14 copies of Site Plan prepared by James Brzozowski, P.E., P.P., of Horn, Tyson & Yoder, Inc.
- (x) 14 copies of Tax Map with Property Lot and Block highlighted
- (x) 14 color copies of Eight Property Photos
- (x) 1 copy of Affidavit of Ownership
- (x) 1 copy of Signed Checklist
- (x) 1 Proposed Public Notice
- (x) Application Fee Variance check # 3021 Amount \$700.00
- (x) Attorney Escrow check # 3022 Amount \$1,500.00
- (x) Please consent and/or approve for public hearing on December 8, 2021 at 7:00 p.m.

Jackie Fife  
October 27, 2021  
Page 2

If you have any questions, please do not hesitate to contact me. Thank you for your courtesies and attention to this matter.

Very truly yours,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

JAMES S. RABAN

JSR/dh  
Encl.

Cc: Eileen Bowker (via email)  
James Brzozowski, P.E., P.P. (via email)  
Frank Little, Jr., P.E., P.P. (via email)  
Kevin Quinlan, Esq. (via email)

# LONG BEACH TOWNSHIP LAND USE BOARD CHECKLIST FOR INITIAL SUBMISSION

**PLEASE NOTE:** A signed, completed checklist must be received by the Land Use Board Clerk and attorney prior to deeming your application complete.

All applications and all required documents shall be submitted at least thirty (30) days prior to the regularly scheduled meeting of the Land Use Board at which consideration is sought.  
**NUMBER OF COPIES REQUIRED -All documents must be submitted at the same time.**  
**INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED!!!!**

**DISTRIBUTION**

*Please note it is the Applicant's responsibility to distribute completed applications.*

Kevin S. Quinlan, Esq., 207 W Main Street, Tuckerton NJ 08087

- 1 Copy of complete Application
- 1 Copy of Variance Map, Site Plan or Sub-division Map
- 1 Copy of Architectural Plan
- 1 Copy of color photos
- 1 Copy of Tax Map with property Lot and Block highlighted.
- 1 Copy of Affidavit of Ownership, Consent, Authorization and Non-Collusion.
- 1 Copy of Proposed Notice to Property Owners and for Publication
- 1 Copy of Checklist

Frank Little, P.E., P.P., Owen Little and Assoc., Inc. 443 Atlantic City Blvd. Beachwood, NJ 08722

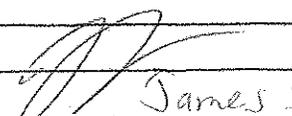
- 1 Copy of Completed Application
- 1 Copy of Variance Map, Site Plan or Sub-division Map
- 1 Copy of Architectural Plans
- 1 Copy of color photos
- 1 Copy of Tax Map with property Lot and Block highlighted
- 1 Copy of Technical Check List

**Board Clerk**

- 1 Original of each -  Application  Variance Plat, Site Plan or Sub-division Plat,  Architectural Plan(s)  Tax Map  Zoning Denial,  Color Photos and  items marked with \*\*. (Check all that apply)
- 14 Copies of Application
- 14 Copies of Variance Plat, Site Plan or Subdivision
- 14 Copies of Architectural Plan(s)
- 14 Copies of Tax Map with property Lot and Block highlighted
- 14 Copies of Zoning Denial Letter
- 14 Color copies of Property Photos
- 1 W-9 Form
- 1 copy of Affidavit of Ownership, Consent, Authorization and Non-Collusion.
- 1 copy of Signed Checklist (must be submitted with initial documentation. Application will not be accepted without signed Checklist.
- 1 Copy of Technical Check List
- Electronic copy of all of the above in PDF format.**
- Check for Application Fee \$ 700.00
- Check for Initial Escrow \$ 1,500.00

Board secretary will distribute copies to fire company after deemed complete, as necessary.

Signed: \_\_\_\_\_

  
 (Print name under signature) James S. Raban,  
 Attorney for Applicant

Date: 10/27/21

**APPLICATION TO THE LONG BEACH  
TOWNSHIP LAND USE BOARD**

Do not write below - for official use only

Project Name: Bowker's South Beach Grill LLC  
Block: 1.10 Lot(s): 7  
Property Address: 5404 S. Long Beach Boulevard

Date Received: \_\_\_\_\_  
Application Fee: \$ \_\_\_\_\_  
Escrow Fee: \$ \_\_\_\_\_  
Docket Number: \_\_\_\_\_

**CHECK ALL THAT APPLY:**

- |  |   |
|--|---|
| <input type="checkbox"/> Bulk Variance   | <input type="checkbox"/> Minor Subdivision (Exempt)             |
| <input type="checkbox"/> Use Variance    | <input type="checkbox"/> Major Subdivision/Preliminary          |
| <input type="checkbox"/> Interpretation  | <input type="checkbox"/> Major Subdivision Final Major          |
| <input type="checkbox"/> Informal        | <input checked="" type="checkbox"/> Site Plan/Preliminary Major |
| <input type="checkbox"/> Conditional Use | <input checked="" type="checkbox"/> Site Plan/Final             |

**ANSWER ALL QUESTIONS. IF NOT APPLICABLE INDICATE WITH 'N/A' OR 'None'  
DO NOT LEAVE BLANKS. INCOMPLETE APPLICATIONS WILL NOT BE  
ACCEPTED OR WILL BE DEEMED INCOMPLETE**

1. Applicant Name: Bowker's South Beach Grill LLC  
Address: Street: 5404 S. Long Beach Blvd. City: Long Beach Twp Zip: 08008  
Phone: (609) 492-0242 e-mail: bowkerlbire@hotmail.com

Applicant is :  Owner  Agent  Corporation  Partnership  LLC

If applicant and/or owner is a corporation, LLC or partnership set forth the names addresses of all stockholders, partners or members having 10% or more interest on a separate paper. Corporations must be represented by a New Jersey licensed attorney and include a Resolution authorizing the Application.

2. Owner's Name: Bowker's South Beach Grill LLC (Eileen Bowker, Sole Member)  
Address: Street: 5404 S. Long Beach Blvd. City: Long Beach Twp Zip: 08008  
Phone: (609) 492-0242 e-mail: bowkerlbire@hotmail.com

All owners must be identified and sign application. (Use additional pages if necessary)

3. Attorney: James S. Raban  
Address: Street: 11710 Long Beach Blvd. City: Haven Beach Zip: 08008  
Phone: (609) 492-0533 e-mail: jraban@regraban.com

4. Planner/Surveyor: Horn, Tyson & Yoder, Inc.  
Address: Street: 8510 Long Beach Blvd. City: Long Beach Twp Zip: 08008  
Phone: (609) 492-5050 e-mail: jimb@htyoder.com

5. Architect: N/A  
 Address: Street: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ e-mail: \_\_\_\_\_

*Attache additional sheets if necessary.*

6. Location of property:  
 Zone: C Lot Area: 5,000 sq ft Lot Dimensions: 50' x 100'

7. Is the property located on a county road? Yes

8. Current Use: Mixed Use - single-family on 2nd floor; commercial deli/convenience store 1st fl.  
 No. of Dwelling Units: 1 No. of Commercial Units: 1

9. Proposed Use: Same as current use

10. When was the property purchased? September 22, 2017

11. Date of Last Certificate of Occupancy: \_\_\_\_\_ Attach Copy

12. Date of last construction, alteration or addition: \_\_\_\_\_ Attach copies of permits

13. Existing conditions	Pre-Existing non-conformity	Proposed conditions	Variance Needed
Building Height: <u>25.00</u>	<input type="checkbox"/>	Building Height: <u>25.00</u>	<input type="checkbox"/>
Front Yard Set Back <u>3.70</u>	<input type="checkbox"/>	Front Yard Set Back <u>3.70</u>	<input type="checkbox"/>
Side Yard Set Back <u>2.90</u>	<input checked="" type="checkbox"/>	Side Yard Set Back <u>2.90</u>	<input type="checkbox"/>
Side Yard Set Back <u>12.00</u>	<input type="checkbox"/>	Side Yard Set Back <u>12.00</u>	<input type="checkbox"/>
Rear Yard Set Back <u>45.20</u>	<input type="checkbox"/>	Rear Yard Set Back <u>45.20</u>	<input type="checkbox"/>
Dist. to Adj. Struct. <u>22.50</u>	<input type="checkbox"/>	Dist. to Adj. Struct. <u>22.50</u>	<input type="checkbox"/>
Lot Coverage (sq.ft.) <u>1,655.00</u>	<input type="checkbox"/>	Lot Coverage (sq.ft.) <u>1,655.00</u>	<input type="checkbox"/>
% Lot Coverage <u>33.10</u>	<input type="checkbox"/>	% Lot Coverage <u>33.10</u>	<input type="checkbox"/>
% Impervious Coverage <u>44.40</u>	<input type="checkbox"/>	% Impervious Coverage <u>44.40</u>	<input type="checkbox"/>
No. Principal Structures <u>1.00</u>	<input type="checkbox"/>	No. Principal Structures <u>1.00</u>	<input type="checkbox"/>
No. Accessory Structures <u>1.00</u>	<input type="checkbox"/>	No. Accessory Structures <u>1.00</u>	<input type="checkbox"/>
Lot Width <u>50.00</u>	<input type="checkbox"/>		

14. Existing Restrictions:

- (A) Deed Restrictions: \_\_\_\_\_ (Attach Copies)  None
- (B) Easements: \_\_\_\_\_ (Attach Copies)  None
- (C) Condominium: \_\_\_\_\_ (Attach Copies)  None

15. Proposed Restriction: \_\_\_\_\_  None

**16. Variances and Waivers:**

**(A) List Required Variances: (Include Ordinance Number)**

None

Based on the existing square footage of the first floor deli, 2 parking spaces are required for the commercial use. 2 spaces are also required for the second-story apartment. The Applicant is providing 4 parking spaces in the rear of the property. However, the Applicant does not intend to offer these spaces to the public; Applicant proposes that these spaces be reserved for employees of the deli/convenience store and the occupants of the apartment. It is unsafe to have customers of the deli utilizing the rear parking area due to the high volume of pedestrian and bicycle traffic in the vicinity of the site. While 4 parking spaces are required and proposed, the Applicant requests a variance to the extent required as a result of not providing parking for customers of the deli/convenience store.

**On a separate paper provide legal theory supporting variance relief.**

**(B) List of Requested Waivers:**

None

The Applicant requests a waiver from normal site plan detail based upon the fact that the site is fully developed. Additionally, the Applicant reserves the right to request any additional waivers as may be required by the Board or the Board Engineer at the hearing.

**17. Briefly describe any prior or currently pending proceedings before the Land Use Board or any other Federal, State, County or local Board or Agency involving this property which is the subject of this application and attach copies of any application, supporting documentation, pleadings, decisions and/or orders from the relevant entity including any denials.  None**

A prior site plan was approved by the Long Beach Township Planning Board under attached Resolution 42-86 dated December 4, 1986. Also attached is a Resolution dated March 10, 2021 denying a site plan application filed by the Applicant. In addition, a Complaint in Lieu of Prerogative Writs was filed by Frank H. Lowry and Pamela Lowry in the Law Division of the Superior Court of New Jersey under Docket Number OCN-L-2598-20 against the Applicant, the Long Beach Township Zoning Officer, and Long Beach Township. Documentation relative to this action will be provided upon request.

**18. List all material submitted with this application i.e. plans, surveys, drawings, photos, reports etc.**

See Application cover letter dated October 27, 2021.

ALL OWNERS OF RECORD AND APPLICANT MUST SIGN APPLICATION. (ATTACH ADDITIONAL PAGES IF NECESSARY.)

BOWKER'S SOUTH BEACH GRILL LLC

Dates: 10/27/21

  
By: Eileen Bowker, Owner  
(Print name under signature)  
Sole Member

Dates: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_, Owner  
(Print name under signature)

Applicant Signature (if different from owner):

Dates: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_, Applicant  
(Print name under signature)

Dates: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_, Applicant  
(Print name under signature)

MUST BE SIGNED BY OWNER(S) AND/OR APPLICANT NOT ATTORNEY

## APPLICATION SUPPLEMENT

Bowker's South Beach Grill LLC (the "Applicant") is seeking amended preliminary and final major site plan approval relative to development at the property designated as Lot 7 in Block 1.10 on the Tax Map of the Township of Long Beach, located at 5404 S. Long Beach Boulevard in the Holgate Section of Long Beach Township. The site is currently developed with a two-story principal building. There is a deli/convenience store on the first floor and a single-family dwelling unit on the second floor. The most recent site plan approval for this property occurred on November 6, 1986, and was memorialized in Resolution 42-86 of the Long Beach Township Planning Board. Applicant came before the Board in early 2021 seeking approval of various accessory structures in the rear of the property, most of which have since been removed, along with proposed reconfiguration of the parking. The application was denied. Applicant is now seeking amended preliminary and final site plan approval to allow: (1) four parking spaces in the rear of the property to be utilized by occupants of the single-family dwelling unit and employees of the deli/convenience store; (2) the installation of curbing and sidewalk in the front of the property along Long Beach Boulevard; and (3) the installation of a gate in the driveway on the north side of the property to enable the Applicant to close off the parking area when the rear lot becomes full.

While technically part of the Ocean County right of way, customers currently utilize the front of the property to park head-on toward the front of the existing building, which creates significant safety concerns. The property is located in a residential neighborhood with heavy bicycle and pedestrian traffic. Four parking spaces are required at the site and four parking spaces are proposed in the rear of the property. The Applicant is seeking to restrict the proposed parking spaces so that they may only be utilized by occupants of the single-family dwelling unit

and employees of the deli/convenience store. A gate is also proposed in the existing driveway to enable the Applicant to close the gate once the parking lot has reached the maximum capacity of four vehicles.

The majority of customers at the deli/convenience store visit the property on foot or via bicycle. It would be unsafe to utilize the rear of the property for customer parking. In the event the parking lot were full and a customer attempted to park in the rear of the property, the motorist would have no choice but to back out down the driveway, creating a safety hazard for customers of the deli/convenience store entering and exiting the premises, and also for pedestrians and bicyclists on Long Beach Boulevard. The Applicant also proposes the installation of curbing and sidewalk along the front of the property, which would prevent the unsafe situation of customers parking head-on toward the front of the building. While four parking spaces are required and proposed, the Applicant requests a variance to the extent required as a result of not providing parking for customers of the deli/convenience store.

LONG BEACH TOWNSHIP PLANNING BOARD  
OCEAN COUNTY, NEW JERSEY

RESOLUTION 42-86

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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.

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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 on-site 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: Concagh, Gallant, Goldberger, Mancini, O'Brien,  
NO: None, Dool, Fruchtman  
OBSTACLES: 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, 1987  
(SEAL)

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

**RESOLUTION OF MEMORIALIZATION OF THE  
LAND USE REVIEW BOARD OF THE TOWNSHIP OF LONG BEACH  
COUNTY OF OCEAN AND STATE OF NEW JERSEY  
DOCKET NO. LUB-25-20**

WHEREAS, Bowker's South Beach Grill, LLC has made application to the Land Use Review Board of the Township of Long Beach for Amended Preliminary and Final Major Site Plan approval with variances for Lot 7 in Block 1.10. The Applicant proposes to remove the rear parking area, installation of a Gazebo and Pergola for outside seating, locating of a recreational vehicle and deck in the rear yard area and outside sale/rental of bikes and kayaks.

WHEREAS, the Land Use Review Board considered this application at public hearings on January 13, 2021 and February 10, 2021. The applicant was represented by Stuart Snyder, Esq. The application received October 22, 2020 was entered into evidence as Exhibit A-1; the Survey prepared by Robert Deblois, P.L.S. and James Brzozowski, P.E., P.P. of Horn, Tyson & Yoder Dated June 24, 2020 was entered into evidence as Exhibit A-2; A Site Plan Review Letter from Board Engineer Charles Mackie dated September 23, 1986 was entered into evidence as Exhibit A-3; The review letter from Owen, Little & Associates, Inc., under signature of Frank J. Little, Jr., dated December 1, 2020 was entered into evidence as Exhibit B-1. Objectors' photo exhibits were entered into evidence identified as O-1 through O-21. Testimony was offered by James Brzozowski, P.E., P.P. who was qualified as an expert in planning; Mike Pagnotta, AIA who was qualified as an expert in Architecture; and Eileen Bowker, the owner of the subject property and principal of Bowker's South Beach Grill, LLC and Andrew Thomas, P.P. who was qualified as an expert in planning. All witnesses and public commentators were sworn.

WHEREAS, Mr. Brzozowski, testified that the plan would be revised to remove the requirement of variances for the two sheds located in the rear yard. Mr. Brzozowski testified that the sheds would comply with applicable ordinances.

WHEREAS, Mr. Brzozowski further testified that the proposed development would not provide any off-street parking on the premises but opined that sufficient parking is available in the neighborhood.

**WHEREAS**, Mr. Brzozowski further testified that the parking spaces located outside the property lines, while legal sized spaces, are not permitted to be counted toward the parking requirements under the ordinance.

**WHEREAS**, Eileen Bowker was sworn and testified that she owns the property, and she is the sole member of Bowker's South Beach Grill, LLC and is authorized to make this Application.

**WHEREAS**, Mrs. Bowker testified as to the improvements to the premises and since the lease purchase of the premises. She further testified that no permits nor site plan approvals were obtained for the sheds, recreational vehicle, gazebo, pergola, kayak stand and bike racks.

**WHEREAS**, Mrs. Bowker further testified that she obtained a Certificate of Occupancy and multiple Outdoor Seating Permits.

**WHEREAS**, the meeting was opened to the public and twenty- five members of the public testified either in favor or against the proposed development. An Objector represented by R.S. Gasiorowski, Esq. offered testimony of Andrew Thomas, P.P. of the firm Thomas Planning Associates who was qualified in an expert planning.

**WHEREAS**, Andrew Thomas testified that in his opinion the variances could not be granted without substantial detriment to the zone plan, ordinances, and master plan of the Township of Long Beach. Mr. Thomas further testified that the previously approved rear parking area represented a better planning option and should be retained.

**WHEREAS**, the Land Use Board, after considering the Application, documentation entered into evidence, testimony of the witnesses, argument of counsel, public comment and testimony of the Objector's expert and has made the following factual findings:

1. All jurisdictional requirements have been met as the Application having been deemed complete and proper notice having been published and served.
2. The applicant is authorized to make the Application.
3. The property is located in the C-General Commercial Zone.
4. The board finds that the applicant failed to satisfy his burden of proof under N.J.S.A. 40:55D-70(c) in that the applicant failed to offer credible testimony that the purpose of the Land Use Law would be advanced by deviation from the

zoning ordinance requirement, that the variances could be granted without substantial detriment to the public good, that the benefits of granting the variances would substantially outweigh the detriment, nor that granting of the variances will not substantially impair the purpose and intent of the zone plan and/or zoning ordinances of the Township of Long Beach.

5. The board finds that the removal of the approved parking area in the rear yard to be a substantial detriment to the public good and would impair the purpose and intent of the zone plan, ordinances, and master plan of the Township of Long Beach.
6. The board finds that the proposed gazebo and pergola with side yard setback of .8 ft and 1.7 ft respectively where 4 feet is required, would be detrimental and would negatively impact open air, light and view of the surrounding properties and block the access to the rear parking area. The board finds this to be a specific and substantial detriment to the public good and ordinances.
7. The board finds that the recreational vehicle located in the rear parking area negatively impacts the on-site parking and this therefor a substantial detriment to the public good and zoning ordinances.
8. The board finds that the off-site location of the kayak and bike racks are not permitted whereas they are located in the Township right-of-way and outside the property lines.
9. The board has reviewed and adopts the engineering reports of Owen Little and Associates dated December 1, 2020 which comments therein shall be incorporated herein as if set forth in length in this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Review Board of the Township of Long Beach that the relief requested by the applicant, Bowker's South Beach Grill for Amended Preliminary and Final Major Site Plan approval is hereby denied.

This Resolution is intended to memorialize the action taken at the Regular Meeting of the Long Beach Township Land Use Board of February 10, 2021.

Moved By: **HUMMEL**

Seconded by: **DUCKER**

ROLL CALL VOTE:

Ayes: (7): **SCHNELL, SOUTHWICK, HUMMEL, VANBUREN, ROTH, CAPLICKI and DUCKER**

Nays: 0

Abstentions: 0

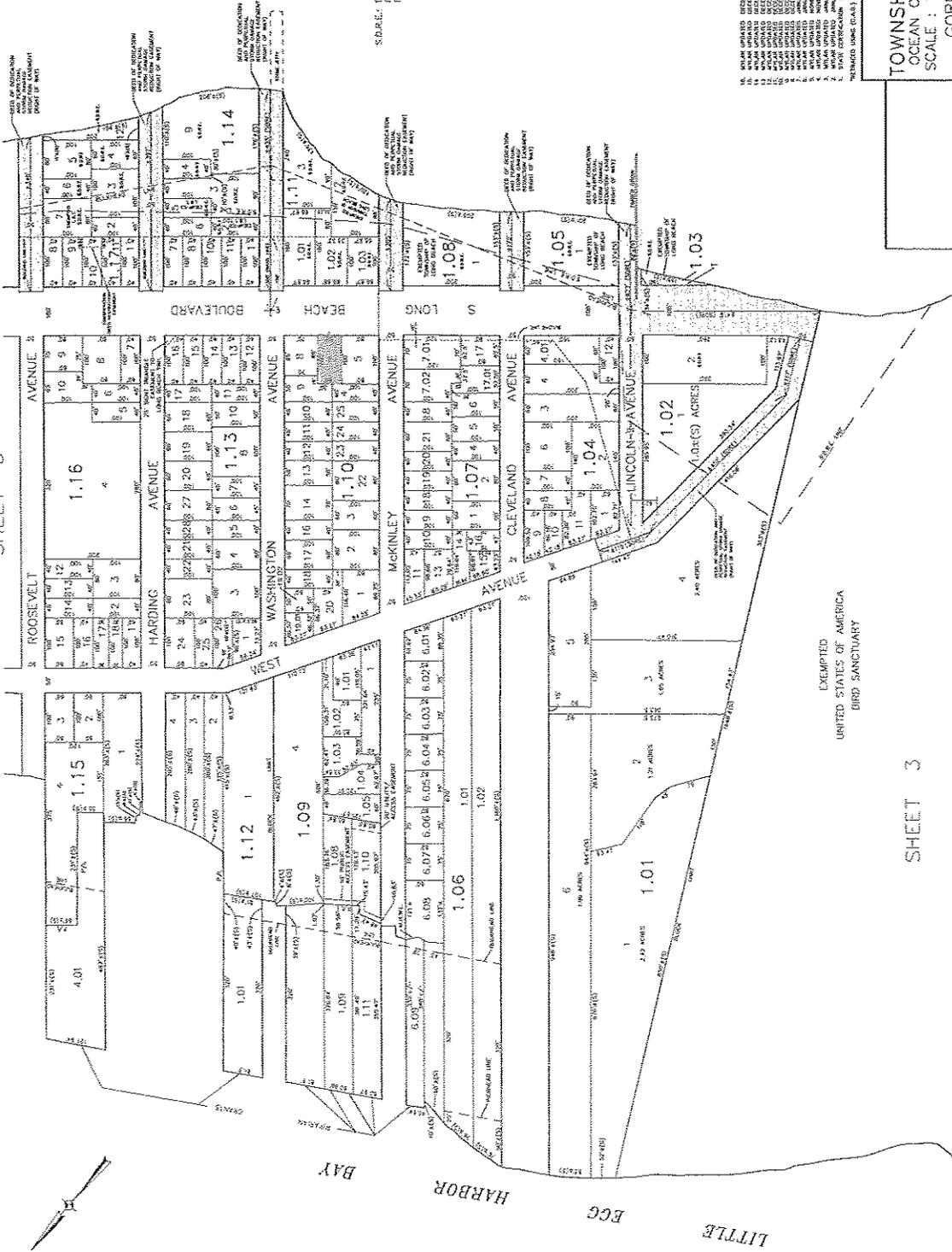
#### CERTIFICATION

I, **JACQUELINE FIFE**, Secretary of the Land Use Review Board of the Township of Long Beach, County of Ocean, and State of New Jersey, do certify that the foregoing is a true copy of a Resolution memorialized by the Land Use Review Board of the Township of Long Beach at a public meeting held on March 10, 2021.

  
\_\_\_\_\_  
**JACQUELINE FIFE**  
**SECRETARY**

Publication Date: March 18, 2021

SHEET 5



S.B.R.E.: DEED OF DEDICATION AND PERPETUAL STORM DAMAGE REDUCTION EASEMENT

- 16. APRIL 1989
- 15. APRIL 1988
- 14. APRIL 1987
- 13. APRIL 1986
- 12. APRIL 1985
- 11. APRIL 1984
- 10. APRIL 1983
- 9. APRIL 1982
- 8. APRIL 1981
- 7. APRIL 1980
- 6. APRIL 1979
- 5. APRIL 1978
- 4. APRIL 1977
- 3. APRIL 1976
- 2. APRIL 1975
- 1. APRIL 1974

**TAX MAP**  
**TOWNSHIP OF LONG BEACH**  
**OCEAN COUNTY**  
**NEW JERSEY**  
**SCALE: 1"=200'**  
**MAY 1, 1989**  
**GORDON L. HART L.S.**  
**MACRO ENGINEERING, INC.**  
**866 MANTOLOKING ROAD**  
**BRICK, N.J.**

SHEET 3

Long Beach Township Land Use Board

AFFIDAVIT OF OWNERSHIP, CONSENT, AUTHORIZATION, and NON-COLLUSION

STATE OF \_\_\_\_\_ ;  
COUNTY OF Ocean : ss.

I, Bowker's South Beach Grill, LLC being duly sworn according to law,  
(Print owner(s) name(s))  
upon my/our oath depose and say:

1. I/we am/are the only owner(s) of property known as 5404 S. Long Beach Blvd.,  
(Street Address)  
Long Beach Township, Ocean County, New Jersey known as :

Block 1.10 Lot 7  
Block \_\_\_\_\_ Lot \_\_\_\_\_  
Block \_\_\_\_\_ Lot \_\_\_\_\_

As shown on the Official Tax Maps of the Township of Long Beach.

2. I/we consent to the making of this application and the approval of the plans submitted herewith. I/we further agree to be bound by all representations and commitments made by myself/ourselves or my/our authorized agent. I/we further consent to the inspection of this property in connection with this application as deemed necessary by the members of the Land Use Board and/or other designated officials or representatives.

3. There has been no collusion between me/us and any member of the Township of Long Beach Land Use Board or any officials of the Township of Long Beach with respect to said application.

4. I/we hereby authorize James Raban, Esq. (Agent), to make application on my/our behalf. I further agree to be bound by all representations, promises and commitments made by my agent.  
(Print agent name)

Dated: 10/27/21

[Signature]  
Signature of Owner

Eileen Bowker, Sole Member  
Print Name above

Sworn and Subscribed to before me  
this 27 day of October, 2021.

[Signature]  
Notary Public  
**JAMES S. RABAN**  
ATTORNEY AT LAW  
STATE OF NEW JERSEY

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Print name above





TOWNSHIP OF LONG BEACH  
 LAND USE BOARD  
 TECHNICAL CHECKLIST

**KEY: X= REQUIRED P= PROVIDED W= WAIVER N/R= NOT REQUIRED or APPLICABLE**

DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
<b>MAN-MADE FEATURES</b>									
Show existing structures and setbacks from existing and proposed property lines, indicating those to be modified or removed or to remain. Show setback of structures on adjacent properties.	X	X	X	X	X	X	X	X	(P) (W) (N/R)
Location of proposed buildings, finished grade, first floor and basement elevations, setbacks of all buildings from nearest lot lines, building height and other pertinent improvements.	X	X	X	X	X	X	X	X	(P) (W) (N/R)
Building coverage and lot coverage calculations.	X	X	X		X	X			(P) (W) (N/R)
Existing and proposed easements, rights-of-way and their purposes.	X	X	X	X	X	X	X	X	(P) (W) (N/R)
Existing and proposed manholes, sewer lines, stormwater management facilities, waterlines, fire hydrants and utility poles within 200 FT.			X	X	X	X	X	X	(P) (W) (N/R)
Plans and profiles of proposed utility layouts, such as sewers, storm drains, water, gas, communications and electric, showing feasible connections to existing or proposed utility systems as well as channel section details, pipe sizes, types and inverts, road crowns and slopes.					X	X	X	X	(P) (W) (N/R)
All monumentation as required as per the "Map Filing Law" including all monuments found, set or to be set.				X			X	X	(P) (W) (N/R)

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	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
Offstreet parking and loading spaces required and proposed, and location and dimensions of access drives, aisles and parking stalls		X	X		X	X			(P)(W)(N/R)
<b>STREET</b>									
Location, names and widths of all existing and proposed streets, sidewalks and street widening within 200 FT of the site.			X	X	X	X	X	X	(P)(W)(N/R)
Plans, profiles and cross-sections of paved areas, curbs and sidewalks.			X	X	X	X	X	X	(P)(W)(N/R)
<b>MISCELLANEOUS</b>									
Exterior Lighting Plan, including the location, direction of illumination, amount of illumination expressed in horizontal foot candles, wattage and drawn details of all outdoor lighting standards and fixtures.			X		X	X	X	X	(P)(W)(N/R)
Landscaping and Screening Plan showing the location, type of tree or shrub and the location, type and amount of each type of ground cover.			X	X	X	X	X	X	(P)(W)(N/R)
Storm drainage calculations.					X		X		(P)(W)(N/R)
Stormwater management facilities shown on the grading plan showing all aspects of the stormwater system.			X		X	X	X	X	(P)(W)(N/R)

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	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
Applications for new construction or additions to buildings: See Initial Checklist for number of copies to distribute of building plans showing elevations and floor areas (including dimensions) for all floors. "Multi-family units and commercial uses require sealed Architectural Plans;" Building elevation to be provided for the full height of the building from grade to roof peak. Plan scale shall be a minimum of 1/4" per foot. Building elevations shall be provided for all sides and shall be labeled North, South, East and West.	X	X							(P) (W) (N/R)
Location of all signs and drawn details showing the size, construction type, height and content of all signs.			X		X	X			(P) (W) (N/R)
Drawn details of the type of screening to be used for the refuse storage areas, outdoor equipment and bulk storage.			X		X	X			(P) (W) (N/R)

## PUBLIC NOTICE

### LONG BEACH TOWNSHIP

Public notice is hereby given that Bowker's South Beach Grill LLC (collectively, the "Applicant") has applied for amended preliminary and final major site plan approval relative to development at the property designated as Lot 7 in Block 1.10 on the Tax Map of the Township of Long Beach, located at 5404 S. Long Beach Boulevard in the Holgate Section of Long Beach Township. The site is currently developed with a two-story principal building. There is a deli/convenience store on the first floor and a single-family dwelling unit on the second floor. Applicant is now seeking approval to allow: (1) four parking spaces in the rear of the property to be utilized by occupants of the single-family dwelling unit and employees of the deli/convenience store; (2) the installation of curbing and sidewalk in the front of the property along Long Beach Boulevard; and (3) the installation of a gate in the driveway on the north side of the property to enable the Applicant to close off the parking area when the rear lot becomes full. While four parking spaces are required and proposed, the Applicant requests a variance to the extent required as a result of not providing parking for customers of the deli/convenience store. If the Land Use Board determines that any other variances, exceptions or waivers are necessary or appropriate at the hearing, then such variances, waivers or exceptions will be requested.

This matter is on the Clerk's Docket and a hearing has been ordered for December 8, 2021 at 7:00 PM in the Administration Building, Court Room, First Floor, 6805 Long Beach Boulevard, Brant Beach, NJ, at which time persons interested may appear personally or by agent or attorney with a properly authorized power of attorney. Please note that this is an in person meeting only. There will be no virtual component.

Should government-imposed restrictions change prior to the meeting that would prevent an in-person meeting, this meeting will proceed virtually under the following circumstances:

**To Join Zoom Meeting:**

<https://zoom.us/j/99253901298?pwd=L2pRaDYrakhaOWw2M3NjMXgrYVR1dz09>

**Use Meeting ID:** 992 5390 1298, **Use Passcode:** 188919; **One tap mobile**

+13017158592,99253901298#,,,,,0#,188919# US (Washington D.C)

+13126266799,99253901298#,,,,,0#,188919# US (Chicago) **Dial by your location** +1 301 715

8592 US (Washington D.C) +1 312 626 6799 US (Chicago) +1 929 205 6099 US (New York) +1

253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) **Use**

**Meeting ID:** 992 5390 1298 **Passcode:** 188919 Find your local number:

<https://zoom.us/j/99253901298?pwd=L2pRaDYrakhaOWw2M3NjMXgrYVR1dz09>

Documents are available for inspection at the Land Use Board Office, 6805 Long Beach Boulevard, Brant Beach, New Jersey during normal business hours currently Monday through Friday 9:00 a.m. to 4:00 p.m.

File #3473

James S. Raban  
Attorney for the Applicant