

## **RABAN & RABAN**

— LLC —

*Attorneys at Law*

REGINALD J. RABAN (Retired)

JAMES S. RABAN\*▲

**11710 Long Beach Blvd.  
Haven Beach, NJ 08008**

MEMBER OF NJ BAR \*

MEMBER OF PA BAR ▲

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

November 8, 2021

Via Hand Delivery & Email [jfife@longbeachtownship.com](mailto:jfife@longbeachtownship.com)

Jackie Fife

Long Beach Township Land Use Board

6805 Long Beach Boulevard

Brant Beach, NJ 08008

Re: Batoff Bulk Variance  
Block 5.08 Lot 3  
210 E. 22<sup>nd</sup> Street, 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 Variance Plans prepared by Leon Tyszka of Nelke-Tyszka Land Surveyors.
- (x) 14 copies of Architectural Plans prepared by Michael Pagnotta, of Michael Pagnotta Architects
- (x) 14 copies of Tax Map with Property Lot and Block highlighted
- (x) 14 color copies of Property Photos
- (x) 1 copy of Affidavit
- (x) 1 copy of Signed Checklist
- (x) 1 Proposed Public Notice
- (x) Application Fee check # 2377 Amount \$500.00
- (x) Attorney/Engineer check # 2378 Amount \$1,000.00
- (x) Please consent and/or approve for public hearing on December 8, 2021 at 7:00 P.M.

Jackie Fife  
November 8, 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 handwritten signature in black ink, appearing to be 'J. Raban', written over the printed name.

JAMES S. RABAN

JSR/dh  
Encl.

Cc: Steven and Carol Batoff (via email)  
Michael Pagnotta, AIA (via email)  
Leon Tyszka (via email)  
Frank Little, 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 \$ 500.00
- ☒ Check for Initial Escrow \$ 1000.00

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

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

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

Date: 11/8/21

# APPLICATION TO THE LONG BEACH TOWNSHIP LAND USE BOARD

Do not write below - for official use only

Project Name: Batoff Variance  
Block: 5.08 Lot(s): 3  
Property Address: 210 E 22nd Street

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

## CHECK ALL THAT APPLY:

- ☒ Bulk Variance  
☐ Use Variance  
☐ Interpretation  
☐ Informal  
☐ Conditional Use

- ☐ Minor Subdivision (Exempt)  
☐ Major Subdivision/Preliminary  
☐ Major Subdivision Final Major  
☐ Site Plan/Preliminary Major  
☐ 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: Steven I. Batoff & Carol R. Batoff  
Address: Street: 11 Westcroft Ct. City: Hunt Valley, MD Zip: 21030  
Phone: (410) 864-6211 e-mail: sbatoff@batoffassociates.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: Same as Applicant  
Address: Street: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ e-mail: \_\_\_\_\_

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: Nelke/Tyzska Land Surveyors LLC  
Address: Street: 382 W. 9th St., Suite 4 City: Ship Bottom Zip: 08008  
Phone: (609) 494-3474 e-mail: nelketyszka2@gmail.com

5. Architect: Michael Pagnotta, AIA  
Address: Street: 342 W. 9th St. City: Ship Bottom Zip: 08008  
Phone: (609) 361-0011 e-mail: mpagnotta731@gmail.com

*Attache additional sheets if necessary.*

6. Location of property:  
Zone: R-50 Lot Area: 4,200 sq. ft. Lot Dimensions: 42' x 100'

7. Is the property located on a county road? No

8. Current Use: Two-Family  
No. of Dwelling Units: 2 No. of Commercial Units:

9. Proposed Use: Single-Family B

10. When was the property purchased? August 22, 2007

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>34.00</u>	<input type="checkbox"/>	Building Height: <u>35.32</u>	<input type="checkbox"/>
Front Yard Set Back <u>9.60</u>	<input type="checkbox"/>	Front Yard Set Back <u>20.00</u>	<input type="checkbox"/>
Side Yard Set Back <u>6.10</u>	<input type="checkbox"/>	Side Yard Set Back <u>5.00</u>	<input type="checkbox"/>
Side Yard Set Back <u>9.70</u>	<input checked="" type="checkbox"/>	Side Yard Set Back <u>11.70</u>	<input checked="" type="checkbox"/>
Rear Yard Set Back <u>37.60</u>	<input type="checkbox"/>	Rear Yard Set Back <u>25.20</u>	<input type="checkbox"/>
Dist. to Adj. Struct. <u>25.80</u>	<input type="checkbox"/>	Dist. to Adj. Struct. <u>26.40</u>	<input type="checkbox"/>
Lot Coverage (sq.ft.) <u>1,317.00</u>	<input type="checkbox"/>	Lot Coverage (sq.ft.) <u>1,389.00</u>	<input type="checkbox"/>
% Lot Coverage <u>31.40</u>	<input type="checkbox"/>	% Lot Coverage <u>33.10</u>	<input type="checkbox"/>
% Impervious Coverage <u>36.71</u>	<input type="checkbox"/>	% Impervious Coverage <u>35.33</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>0.00</u>	<input type="checkbox"/>	No. Accessory Structures <u>0.00</u>	<input type="checkbox"/>
Lot Width <u>42.00</u>	<input checked="" 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

Section 205-12(A)(1): Lots fronting on the Beach Dune Area with a side yard adjacent to an improved roadway must have a minimum setback distance of no less than 15 feet.

Here, the existing side yard setback to 22nd Street is 9.7 feet; 11.7 feet is proposed.

On a separate paper provide legal theory supporting variance relief.

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

☒ None

**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**

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


15 copies of Variance Plan prepared by Nelke/Tyszka Land Surveyors, LLC

15 copies of Floor Plans and Elevations prepared by Michael Pagnotta, AIA


15 copies of set of 4 photographs of the property

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

Dates: 11/5/21

  
Steven I. Batoff, Owner  
(Print name under signature)

Dates: 11/5/21

  
Carol R. Batoff, 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**

Steven I. Batoff and Carol I. Batoff (collectively, the "Applicant") are seeking a bulk variance relative to development at the property designated as Lot 3 in Block 5.08 on the Tax Map of the Township of Long Beach, located at 210 E. 22<sup>nd</sup> Street in the Spray Beach Section of Long Beach Township. The Applicant is proposing to demolish the existing two-family dwelling and construct a new single-family home. Under Section 205-12(A)(1) of the Long Beach Township Zoning Ordinance, lots fronting on the Beach Dune Area with a side yard adjacent to an improved roadway must have a minimum setback distance of no less than 15 feet. Here, the existing side yard setback to 22<sup>nd</sup> Street is 9.7 feet; 11.7 feet is proposed.

Under the (C)(1) variance criteria, the lot area is substandard at 4,200 square feet where 5,000 square feet is required, representing a hardship to the Applicant. The proposed setback to 22<sup>nd</sup> Street is also improving, thereby preserving ample light, air, and open space in the neighborhood. Under the C(2) variance criteria, the density at the property is being improved based upon the fact that there are currently two dwelling units on the property and the Applicant is proposing one dwelling unit.

Block: 5.08 Lot(s): 3 Date: 11/8/21

**\*\*Waivers may be requested from some of the following items should be checked where provided and an explanation of the reason for the waiver or non-applicable items explained in a separate letter to be attached to this checklist. See Initial Submission Checklist for number of copies and how to distribute.\*\***

[illegible]

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

[illegible]

TOWNSHIP OF LONG BEACH  
LAND USE BOARD  
TECHNICAL CHECKLIST

3

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

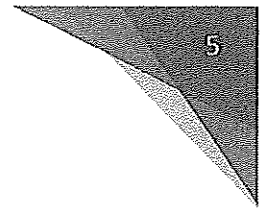
DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
<b>MAN-MADE FEATURES</b>									
Show existing structures and setbacks from existing and proposed property lines, 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)

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
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)

TOWNSHIP OF LONG BEACH  
LAND USE BOARD  
TECHNICAL CHECKLIST



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

	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
DESCRIPTION	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 Steven I. Batoff and Carol I. Batoff (collectively, the “Applicant”) are seeking a bulk variance relative to development at the property designated as Lot 3 in Block 5.08 on the Tax Map of the Township of Long Beach, located at 210 E. 22<sup>nd</sup> Street in the Spray Beach Section of Long Beach Township. The Applicant is proposing to demolish the existing two-family dwelling and construct a new single-family home. Under Section 205-12(A)(1) of the Long Beach Township Zoning Ordinance, lots fronting on the Beach Dune Area with a side yard adjacent to an improved roadway must have a minimum setback distance of no less than 15 feet. Here, the existing side yard setback to 22nd Street is 9.7 feet; 11.7 feet is proposed. 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/aiOwUw1tv>

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 #3467

James S. Raban  
Attorney for the Applicant

Long Beach Township Land Use Board

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

STATE OF MARYLAND :  
COUNTY OF BALTIMORE :

ss.

I, Carol Batoff 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 210 E. 22nd Street,  
(Street Address)

Long Beach Township, Ocean County, New Jersey known as :

Block	<u>5.08</u>	Lot	<u>3</u>
Block	<u></u>	Lot	<u></u>
Block	<u></u>	Lot	<u></u>

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

Dated: 8/31/21

Carol R. Batoff  
Signature of Owner

CAROL R. BATOFF  
Print Name above

Sworn and Subscribed to before me  
this 31st day of August, 2021.



Patricia Clark  
Notary Public

PATRICIA CLARK  
NOTARY PUBLIC  
BALTIMORE COUNTY  
MARYLAND  
MY COMMISSION EXPIRES JANUARY 21, 2025

Long Beach Township Land Use Board

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

STATE OF: Maryland :

COUNTY OF Baltimore : ss.  
city

I, Steven Batoff 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 210 E. 22nd Street  
(Street Address)  
Long Beach Township, Ocean County, New Jersey known as :

Block	<u>5.08</u>	Lot	<u>3</u>
Block	<u>                    </u>	Lot	<u>                    </u>
Block	<u>                    </u>	Lot	<u>                    </u>

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

Dated: 8/24/2021

[Signature]  
Signature of Owner

Steven I. Batoff  
Print Name above

Sworn and Subscribed to before me  
this 31st day of August, 2021.

[Signature]  
Notary Public

