

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 ▲

TEL (609) 492-0533

FAX (609) 492-0464

Email: jraban@regraban.com

March 15, 2022

Via Email jfife@longbeachtownship.com & Regular Mail

Jackie Fife

Long Beach Township Land Use Board

6805 Long Beach Boulevard

Brant Beach, NJ 08008

Re: High Bar Harbor Yacht Club Bulk Variance Proposal
Block 25.12, Lot 3.01 and 3.02, Township of Long Beach
35 Sunset Blvd., N.J. 08008

Dear Jackie:

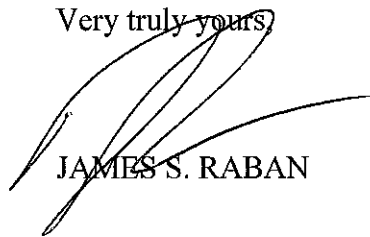
Enclosed please find the following with regard to the above referenced matter:

- (x) 14 copies of Land Use Development Application
- (x) 14 copies of Survey Plans prepared by Timothy Rioux, PE, CISEC, CWI, of Rioux Engineering, LLC
- (x) 14 copies of Tax Map with Property Lot and Block highlighted
- (x) 14 color copies of 17 Property Photos
- (x) 1 copy of an aerial view of the property
- (x) 1 copy of Master Deed and By-Laws
- (x) 1 Affidavit of Ownership
- (x) 1 copy of Signed Checklist
- (x) 1 Proposed Public Notice
- (x) Application Fee check # 2499 Amount \$500.00
- (x) Attorney Escrow check # 2500 Amount \$1,000.00
- (x) Please consent and/or approve for public hearing on April 13, 2022 at 6:30 P.M.

Jackie Fife
March 15, 2022
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 read 'JAMES S. RABAN', written over the typed name below.

JAMES S. RABAN

JSR/dh
Encl.

Cc: Dave Hall (via email)
Timothy Rioux, PE, CISEC, CWI (via email)
Frank Little, P.E., P.P., CME (via email) (w/encl.)
Kevin Quinlan, Esq. (via email) (w/encl.)

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

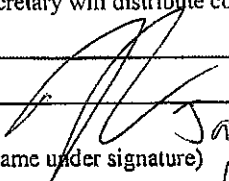
- 1 Copy of Completed Application
- 1 Copy of Variance Map, Site Plan or Sub-division Map
- 1 Copy of Architectural Plans
- 1 Copy of color photos
- 1 Copy of Tax Map with property Lot and Block highlighted
- 1 Copy of Technical Check List

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,
(Print name under signature) Attorney for Applicant

Date: 3/15/22

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

Do not write below - for official use only

Project Name: High Bar Harbor Yacht Club
Block: 25.12 Lot(s): 3.01 & 3.02
Property Address: 35 Sunset Boulevard

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

CHECK ALL THAT APPLY:

Waiver

- | | |
|--|--|
| <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 type="checkbox"/> Site Plan/Preliminary Major |
| <input type="checkbox"/> Conditional Use | <input 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: High Bar Harbor Yacht Club Condominium Association, Inc.
Address: Street: 35 Sunset Boulevard City: Long Beach Twp Zip: 08008
Phone: (609) 494-8801 e-mail: dave.hall@hbhyc.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: Rioux Engineering LLC
Address: Street: 13 Dayton Avenue City: Toms River Zip: 08753
Phone: (908) 295-6507 e-mail: trioux@riouxengineering.com

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

Attache additional sheets if necessary.

6. Location of property:
 Zone: R-75 Lot Area: _____ Lot Dimensions: Irregular

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

8. Current Use: Yacht Club
 No. of Dwelling Units: 0 No. of Commercial Units: 1

9. Proposed Use: Yacht Club

10. When was the property purchased? _____

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: _____	<input type="checkbox"/>	Building Height: _____	<input type="checkbox"/>
Front Yard Set Back _____	<input type="checkbox"/>	Front Yard Set Back _____	<input type="checkbox"/>
Side Yard Set Back _____	<input type="checkbox"/>	Side Yard Set Back _____	<input type="checkbox"/>
Side Yard Set Back _____	<input type="checkbox"/>	Side Yard Set Back _____	<input type="checkbox"/>
Rear Yard Set Back _____	<input type="checkbox"/>	Rear Yard Set Back _____	<input type="checkbox"/>
Dist. to Adj. Struct. _____	<input type="checkbox"/>	Dist. to Adj. Struct. _____	<input type="checkbox"/>
Lot Coverage (sq.ft.) _____	<input type="checkbox"/>	Lot Coverage (sq.ft.) _____	<input type="checkbox"/>
% Lot Coverage _____	<input type="checkbox"/>	% Lot Coverage _____	<input type="checkbox"/>
% Impervious Coverage _____	<input type="checkbox"/>	% Impervious Coverage _____	<input type="checkbox"/>
No. Principal Structures _____	<input type="checkbox"/>	No. Principal Structures _____	<input type="checkbox"/>
No. Accessory Structures _____	<input type="checkbox"/>	No. Accessory Structures _____	<input type="checkbox"/>
Lot Width _____	<input type="checkbox"/>		

14. Existing Restrictions:
 (A) Deed Restrictions: _____ (Attach Copies) None
 (B) Easements: _____ (Attach Copies) None
 (C) Condominium: See enclosed Master Deed (Attach Copies) None

15. Proposed Restriction: None

16. Variances and Waivers:

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

None

On a separate paper provide legal theory supporting variance relief.

(B) List of Requested Waivers:

None

See attached Application Supplement.

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 Survey prepared by Rioux Engineering LLC
- 15 copies of packet from Rioux Engineering containing 14 photographs of the site
- 15 copies of aerial photograph of the site and surrounding properties
- 15 copies of relevant Long Beach Township Tax Map pages
- 1 copy of High Bar Harbor Yacht Club Condominium Master Deed and Bylaws, along with amendments thereto.

APPLICATION SUPPLEMENT

The High Bar Harbor Yacht Club Condominium Association, Inc. (the "Applicant") is seeking a waiver from a Long Beach Township Ordinance relative to proposed development at the property designated as Lots 3.01 and 3.02 in Block 25.12 on the Tax Map of the Township of Long Beach, located at 35 Sunset Boulevard in the High Bar Harbor Section of Long Beach Township. The site is currently developed as the High Bar Harbor Yacht Club. Applicant's current bulkhead system is in need of repair and updating and, therefore, the Applicant proposes a project to rebuild/replace the current bulkhead system in kind.

Under Section 64-13(B)(1)(e), the top of the new bulkhead is required to have an elevation of six feet above mean sea level, NAVD 1988. The Applicant seeks a waiver from the six-foot elevation requirement due to the unique location and use of the High Bar Harbor Yacht Club. There are an extensive number of boat slips at the site utilized by members of the Yacht Club. The six-foot bulkhead elevation requirement would create a safety hazard to the members accessing their slips. Additionally, the property is surrounded by natural wetlands without any development or bulkheads. Based upon the location of the property, with Barnegat Light located immediately to the east, the property is protected from significant wave action. Under these circumstances, a waiver of the bulkhead elevation requirement is justified.

Although the Applicant believes that no additional variances, waivers or exceptions are required, any variances, waivers or exceptions deemed necessary or appropriate by the Board will be requested at the public hearing.

ALL OWNERS OF RECORD AND APPLICANT MUST SIGN APPLICATION. (ATTACH ADDITIONAL PAGES IF NECESSARY.
HIGH BAR HARBOR YACHT CLUB CONDOMINIUM
ASSOCIATION, INC.

Dates: 3/14/22

David S. Hall
By: David Hall, Treasurer, Owner
(Print name under signature)

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

Long Beach Township Land Use Board

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

STATE OF _____ :
COUNTY OF Ocean : ss.

I, High Bar Harbor Yacht Club being duly sworn according to law, upon my/our oath depose and say:

1. I/we am/are the only owner(s) of property known as 35 Sunset Blvd. Long Beach Township, Ocean County, New Jersey known as :

Block 25.12 Lot 3.01 + 3.02
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. High Bar Harbor Yacht Club Condominium Association, Inc.

Dated: _____

Signature of Owner By: David Hall, Treasurer

Print Name above

Sworn and Subscribed to before me this 23rd day of February, 2022.

Notary Public

Signature of Owner

Print name above

JAMES S. RABAN ATTORNEY AT LAW STATE OF NEW JERSEY

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
MAN MADE FEATURES									
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)
STREET									
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)
MISCELLANEOUS									
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

DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	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)

Requested waivers are based upon the fact that the only proposed development is replacement of the existing bulkhead.

PUBLIC NOTICE

LONG BEACH TOWNSHIP

PLEASE TAKE NOTICE that the High Bar Harbor Yacht Club Condominium Association, Inc. (the "Applicant") is seeking a waiver from a Long Beach Township Ordinance relative to proposed development at the property designated as Lots 3.01 and 3.02 in Block 25.12 on the Tax Map of the Township of Long Beach, located at 35 Sunset Boulevard in the High Bar Harbor Section of Long Beach Township. The site is currently developed as the High Bar Harbor Yacht Club. Applicant's current bulkhead system is in need of repair and updating and, therefore, the Applicant proposes a project to rebuild/replace the current bulkhead system in kind.

Under Section 64-13(B)(1)(e), the top of the new bulkhead is required to have an elevation of six feet above mean sea level, NAVD 1988. The Applicant seeks a waiver from the six-foot elevation requirement due to the unique location and use of the High Bar Harbor Yacht Club. There are an extensive number of boat slips at the site utilized by members of the Yacht Club. The six-foot bulkhead elevation requirement would create a safety hazard to the members accessing their slips. Additionally, the property is surrounded by natural wetlands without any development or bulkheads. Based upon the location of the property, with Barnegat Light located immediately to the east, the property is protected from significant wave action. Under these circumstances, a waiver of the bulkhead elevation requirement is justified.

Although the Applicant believes that no additional variances, waivers or exceptions are required, any variances, waivers or exceptions deemed necessary or appropriate by the Board will be requested at the public hearing.

This matter is on the Clerk's Docket and a hearing has been ordered for April 13, 2022 at 6:30 PM in the Administration Building, First Floor Court Room, 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 the meeting format change, the Township website will be updated with necessary information up to and including the date of the meeting. You will not receive notice of a meeting format change. It is up to you to check the Township website or call the Township (609-361-6653) during normal business hours on the day of the hearing for any change from in person to virtual meeting.

Documents are available for inspection at the Land Use Board Office, 6805 Long Beach Boulevard, Brant Beach, New Jersey during normal business hours Monday through Friday 9:00 a.m. to 3:00 p.m.

File #3505

James S. Raban
Attorney for the Applicant