

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

April 8, 2022

Via Hand Delivery and Jfife@longbeachtownship.com

Jackie Fife
Long Beach Township Land Use Board
6805 Long Beach Boulevard
Brant Beach, NJ 08008

Re: Stephano Enterprises, Inc. Bulk Variance
1814 Long Beach Blvd.
Block 4.35, Lot 7 Long Beach Township

Dear Jackie:

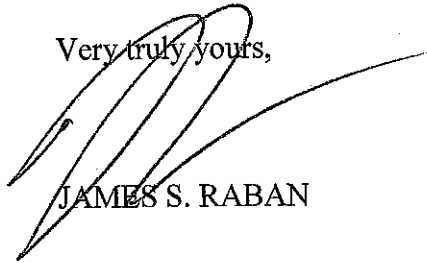
Enclosed please find the following with regard to the above referenced matter:

- (x) Original and 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 Tax Map with Property Lot and Block highlighted
- (x) 14 color copies of 4 Property Photos
- (x) 1 copy of W-9
- (x) 1 copy of Signed Checklist
- (x) 1 copy of Technical Checklist
- (x) 1 copy of Affidavit of Ownership
- (x) 1 Proposed Public Notice
- (x) Application Fee Variance check # 2535 Amount \$500.00
- (x) Attorney Escrow check # 2536 Amount \$1,000.00
- (x) Please consent and/or approve for public hearing on May 11, 2022 at 6:30 p.m.

Jackie Fife
April 8, 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, consisting of several overlapping loops and a long horizontal stroke extending to the right.

JAMES S. RABAN

JSR/dh
Encl.

Cc: Steve DiPietro (via email)
Leon Tyszka (via email)
Frank Little, Jr., P.E., P.P., C.M.E. (via email)
Kevin Quinlan, Esq. (via email)

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

Do not write below - for official use only

Project Name: Stephano Enterprises, Inc.
Block: 4.35 Lot(s): 7
Property Address: 1814 Long Beach Blvd.

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

CHECK ALL THAT APPLY:

- | | |
|---|--|
| <input checked="" 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: Stephano Enterprises, Inc.
Address: Street: 1814 Long Beach Blvd. City: Long Beach Twp Zip: 08008
Phone: (609) 492-1100 e-mail: stephenbi@gmail.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: Jane DiPietro - 100% Owner
Address: Street: 31 W. Wyoming Ave. City: Long Beach Twp Zip: 08008
Phone: (609) 492-1100 e-mail: stephenbi@gmail.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: Nelke/Tyszka Land Surveyors LLC
Address: Street: 382 W. 9th Street - Suite 4 City: Ship Bottom Zip: 08008
Phone: (609) 494-3474 e-mail: nelketyszka2@gmail.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: 7,000 sq. ft. Lot Dimensions: 70' x 100'

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

8. Current Use: mixed use - restaurant with apartment above
 No. of Dwelling Units: 1 No. of Commercial Units: 1

9. Proposed Use: Same as existing

10. When was the property purchased? March 1, 1983

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>18.20</u>	<input type="checkbox"/>	Building Height: <u>18.20</u>	<input type="checkbox"/>
Front Yard Set Back <u>17.92</u>	<input type="checkbox"/>	Front Yard Set Back <u>17.92</u>	<input type="checkbox"/>
Side Yard Set Back <u>15.20</u>	<input type="checkbox"/>	Side Yard Set Back <u>15.20</u>	<input type="checkbox"/>
Side Yard Set Back <u>1.76</u>	<input type="checkbox"/>	Side Yard Set Back <u>1.76</u>	<input type="checkbox"/>
Rear Yard Set Back <u>12.29</u>	<input type="checkbox"/>	Rear Yard Set Back <u>12.29</u>	<input type="checkbox"/>
Dist. to Adj. Struct. <u>24.11</u>	<input type="checkbox"/>	Dist. to Adj. Struct. <u>24.11</u>	<input type="checkbox"/>
Lot Coverage (sq.ft.) <u>3,724.00</u>	<input type="checkbox"/>	Lot Coverage (sq.ft.) <u>3,724.00</u>	<input type="checkbox"/>
% Lot Coverage <u>53.20</u>	<input type="checkbox"/>	% Lot Coverage <u>53.20</u>	<input type="checkbox"/>
% Impervious Coverage <u>62.00</u>	<input type="checkbox"/>	% Impervious Coverage <u>62.00</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>5.00</u>	<input type="checkbox"/>	No. Accessory Structures <u>5.00</u>	<input type="checkbox"/>
Lot Width <u>70.00</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**

Section 205-59(E)(2): For restaurants and other public eating establishments, one off-street parking space for each six seats shall be provided. There are 120 total seats at the restaurant, the number of which is not changing. Therefore, 20 parking spaces are required for the restaurant. Additionally, 2 spaces are required for the single-family dwelling unit above the restaurant. Overall, 22 spaces are required; 14 parking spaces exist, all of which encroach slightly into the right of way of 19th Street or Long Beach Blvd. 11 parking spaces, plus one handicap space, are proposed. The proposed spaces encroach beyond the property line in the same manner as the existing parking.

On a separate paper provide legal theory supporting variance relief.

(B) List of Requested Waivers: **None**

The Applicant requests a waiver from the requirement to submit a site plan based upon the fact that the site is fully developed.

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.

14 copies of Variance Plan prepared by Nelke/Tyszka Land Surveyors LLC
14 copies of set of 4 photographs of the property

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

Stephano's Enterprise, Inc.

Dates: 4/8/22

Jane Di Pietro

Jane D. Pietro, 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

APPLICATION SUPPLEMENT

Stephano Enterprises, Inc. (the "Applicant") has made application to the Long Beach Township Land Use Board for bulk variances relative to proposed outdoor seating at the property designated as Lot 7 in Block 4.35 on the Tax Map of the Township of Long Beach, located at 1814 Long Beach Boulevard in the North Beach Haven Section of Long Beach Township. The property is currently developed with a mixed-use building containing Stefano's Restaurant on the first floor and a single-family dwelling unit on the second floor. Applicant is seeking to utilize a 30-foot by 18-foot portion of the northerly area of the property, adjacent to the building, for outdoor seating with an awning above. The following variances are requested:

1. Section 205-59(E)(2): For restaurants and other public eating establishments, one off-street parking space for each six seats shall be provided. There are 120 total seats at the restaurant, the number of which is not changing. Therefore, 20 parking spaces are required for the restaurant. Additionally, 2 spaces are required for the single-family dwelling unit above the restaurant. Overall, 22 spaces are required and 14 parking spaces exist, all of which encroach slightly into the right of way of 19th Street or Long Beach Blvd. 11 parking spaces, plus one handicap space, are proposed. The proposed spaces encroach beyond the property line in the same manner as the existing parking.

The Applicant also seeks to surround the new proposed outdoor seating area along 19th Street with a knee-wall approximately 3-feet high, similar to the knee wall along the front of the building on Long Beach Blvd. To the extent a variance is required for such a knee wall, a variance is requested. There are also a number of pre-existing nonconformities at the property,

which are not being exacerbated by the proposed outdoor dining area. The Applicant is also seeking a waiver from site plan approval based upon the fact that the site is fully developed.

Under this application, the Applicant is seeking to serve a desire and need in the community for outdoor dining at restaurants. During the COVID-19 pandemic, it became clear that many patrons at restaurants prefer to dine outdoors. The benefit of providing the outdoor dining area outweighs the detriment in losing three parking spaces at the property. During the previous two summers, the Applicant operated with a tent that is much larger than the proposed outdoor dining area and never received any complaints regarding parking.



**LONG BEACH TOWNSHIP LAND USE BOARD
CHECKLIST FOR INITIAL SUBMISSION
INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED**

PLEASE READ

INSTRUCTIONS:

1. A completed, signed checklist must be received by the Land Use Board Secretary & Attorney prior to application being deemed complete.
2. All required documents must be submitted at least forty-five (45) days prior to the regularly scheduled Land Use Board Meeting at which consideration is sought.
3. All documents must be submitted at the same time - Incomplete submissions will NOT be accepted!
4. Applicant MUST deliver Completed Application and supporting documents in the following arrangement:

Kevin Quinlan, Esq.:

- 1 Copy of Complete Application
- 1 Copy Variance Plan, Site Plan, or Subdivision Map
- 1 Copy of Architectural Plans
- 1 Copy of Zoning Denial Letter (if applicable)
- 1 Copy of Color Photos
- 1 Copy of Tax Map with Property Block & Lot highlighted
- 1 Copy of Affidavit of Ownership, Consent, Authorization and Non-Collusion
- 1 Copy of this Checklist
- 1 Copy of Proposed Notice to Property Owners and for Publication
- Mailed to Kevin Quinlan 207 W. Main Street, Tuckerton, NJ 08087

Frank Little, P.E., P.P.:

- 1 Copy of Complete Application
- 1 Copy Variance Plan, Site Plan, or Subdivision Map
- 1 Copy of Architectural Plans
- 1 Copy of Zoning Denial Letter (if applicable)
- 1 Copy of Color Photos
- 1 Copy of Tax Map with Property Block & Lot highlighted
- 1 Copy of COMPLETED Technical Check List
- Mailed to Frank Little: Owen, Little & Associates Inc. 443 Atlantic City Boulevard, Beachwood, NJ 08722

Board Secretary: Jackie Fife 6805 Long Beach Boulevard, Brant Beach, NJ 08008:

1 ORIGINAL of each of the following:

- Application Variance Plan Site Plan Subdivision Plan Architectural Plan(s)
- Tax Map Color Photos 1 - W-9 Zoning Denial Signed Checklist
- Technical Checklist Affidavit of Ownership, Consent, Authorization and Non-Collusion
- 1 Copy of Proposed Notice to Property Owners and for Publication
- Electronic copy PDF format of all the above emailed to jfife@longbeachtownship.com
- Check for Application Fee \$ 700.00 Check # 2531
- Check for Escrow Fee \$ 1,500.00 Check # 2532

Board Member Packets (COLLATED):

- 14 Copies of Complete Application including:
- 14 Copies Variance Plan, Site Plan, or Subdivision Map
- 14 Copies of Architectural Plans
- 14 Copies of Zoning Denial Letter (if applicable)
- 14 Copies of Color Photos
- 14 Copies of Tax Map with Property Block & Lot highlighted

Applicant Signature

James S. Raban
Print Name
Attorney for Applicant

Date

4/8/22

Approved

Denied

(FOR LAND USE BOARD SECRETARY ONLY)

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)

Long Beach Township Land Use Board

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

STATE OF: Florida;

COUNTY OF St. Johns;

ss.

I, Stephano Enterprises, Inc. 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 1814 Long Beach Blvd.,

(Street Address)

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

Block	<u>4.35</u>	Lot	<u>7</u>
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

(Print agent name)

behalf. I further agree to be bound by all representations, promises and commitments made by my agent.

Dated: 2-7-2022

Jane DiPietro
Signature of Owner

Jane DiPietro
Print Name above

Signature of Owner

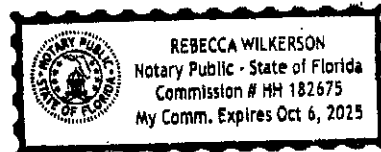
Print name above

Sworn and Subscribed to before me
this 7 day of Feb, 2022.

[Signature]

Notary Public

Verified by NJ Driver License



PUBLIC NOTICE

LONG BEACH TOWNSHIP

PLEASE TAKE NOTICE that Stephano Enterprises, Inc. (the "Applicant") has made application to the Long Beach Township Land Use Board for bulk variances relative to proposed outdoor dining at the property designated as Lot 7 in Block 4.35 on the Tax Map of the Township of Long Beach, located at 1814 Long Beach Boulevard in the North Beach Haven Section of Long Beach Township. The property is currently developed with a mixed-use building containing Stefano's Restaurant on the first floor and a single-family dwelling unit on the second floor. Applicant is seeking to utilize a 30-foot by 18-foot portion of the northerly area of the property, adjacent to the building, for outdoor seating with an awning above. The following variance is requested:

1. Section 205-59(E)(2): For restaurants and other public eating establishments, one off-street parking space for each six seats shall be provided. There are 120 total seats at the restaurant, the number of which is not changing. Therefore, 20 parking spaces are required for the restaurant. Additionally, 2 spaces are required for the single-family dwelling unit above the restaurant. Overall, 22 spaces are required and 14 parking spaces exist, all of which encroach slightly into the right of way of 19th Street or Long Beach Blvd. 11 parking spaces, plus one handicap space, are proposed. The proposed spaces encroach beyond the property line in the same manner as the existing parking.

The Applicant also seeks to surround the new proposed outdoor seating area along 19th Street with a knee-wall approximately 3-feet high, similar to the knee wall along the front of the building on Long Beach Blvd. To the extent a variance is required for such a knee wall, a

variance is requested. There are also a number of pre-existing nonconformities at the property, which are not being exacerbated by the proposed outdoor dining area. The Applicant is also seeking a waiver from site plan approval based upon the fact that the site is fully developed.

Although the Applicant believes that no additional variances, waivers or exceptions are required, any additional 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 May 11, 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 #3498

James S. Raban
Attorney for the Applicant