

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

August 23, 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: CC McGlynns, LLC Minor Site Plan
13015 Long Beach Blvd.
Block 7.16, Lot 1 Long Beach Township

Dear Jackie:

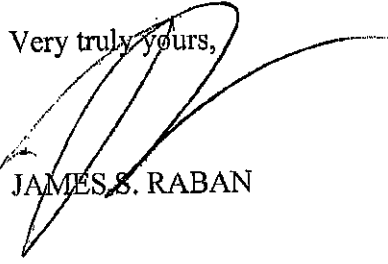
Enclosed please find the following with regard to the above referenced matter:

- (x) Original and 14 copies of Land Use Development Application;
- (x) 14 copies of Variance Plans prepared by 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 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 check # 3347 Amount \$700.00
- (x) Attorney Escrow check # 3348 Amount \$1,500.00
- (x) Please consent and/or approve for public hearing on September 14, 2022 at 6:30 p.m.

Jackie Fife
August 23, 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,



JAMES S. RABAN

JSR/dh
Encl.

Cc: Terry McGlynn (via email)
James Brzozowski, P.E., P.P. (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: CC McGlynns LLC Variance
Block: 7.16 Lot(s): 1
Property Address: 13015 Long Beach Blvd.

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: CC McGlynns LLC
Address: Street: 1315 West Ave. City: Beach Haven Zip: 08008
Phone: (609) 492-1997 e-mail: mcglynbnh@comcast.net

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) 618-1946 e-mail: _____

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: _____ Lot Dimensions: _____

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

8. Current Use: Mixed Use
 No. of Dwelling Units: 1 No. of Commercial Units: 1

9. Proposed Use: Same as current uses - restaurant with single-family dwelling above

10. When was the property purchased? January 15, 1998

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>24.30</u>	<input type="checkbox"/>	Building Height: <u>24.30</u>	<input type="checkbox"/>
Front Yard Set Back	<u>0.40</u>	<input type="checkbox"/>	Front Yard Set Back <u>0.40</u>	<input type="checkbox"/>
Side Yard Set Back	<u>37.40</u>	<input type="checkbox"/>	Side Yard Set Back <u>37.30</u>	<input type="checkbox"/>
Side Yard Set Back	<u>0.10</u>	<input checked="" type="checkbox"/>	Side Yard Set Back <u>0.10</u>	<input checked="" type="checkbox"/>
Rear Yard Set Back	<u>1.50</u>	<input checked="" type="checkbox"/>	Rear Yard Set Back <u>1.50</u>	<input checked="" type="checkbox"/>
Dist. to Adj. Struct.	<u>13.80</u>	<input type="checkbox"/>	Dist. to Adj. Struct. <u>13.80</u>	<input type="checkbox"/>
Lot Coverage (sq.ft.)	<u>3,011.00</u>	<input type="checkbox"/>	Lot Coverage (sq.ft.) <u>3,011.00</u>	<input type="checkbox"/>
% Lot Coverage	<u>45.50</u>	<input type="checkbox"/>	% Lot Coverage <u>45.50</u>	<input type="checkbox"/>
% Impervious Coverage	<u>87.10</u>	<input checked="" type="checkbox"/>	% Impervious Coverage <u>87.10</u>	<input checked="" 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>90.16</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)(1): 22 parking spaces are required; 6 parking spaces are existing; 6 parking spaces are proposed.

Section 205-33(B)(3)(a): Maximum permitted impervious coverage is 75%. 87.1% is existing; 87.1% is proposed.

Section 205-12(B): In all areas of Long Beach Township every building shall have side yards totaling not less than 30% of the lot frontage but in no event less than a total of 15 feet with a minimum of 4 feet on one side. Here, the required combined side yard setback is 15 feet. The existing and proposed combined side yard setback are 37.4 feet, with the southerly side yard setback being 0.1 feet.

On a separate paper provide legal theory supporting variance relief.

(B) List of Requested Waivers:

☒ None

The Applicant is requesting a waiver from normal site plan detail based upon the fact that the site is fully developed. Applicant also reserves the right to request any waivers that may be deemed necessary by the Board 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

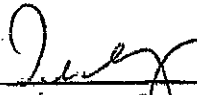
The Applicant previously made an application before the Board for outdoor seating, which was approved on July 13, 2022 and memorialized in the attached Resolution dated August 10, 2022.

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

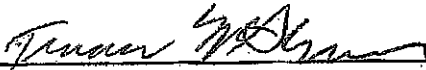
See cover letter to Board Secretary

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

Dates: 5/27/22


Debra McGowan, Owner
(Print name under signature)

Dates: 5/27/22


Terrence McGowan, 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

CC McGlynns LLC (the "Applicant") has made application to the Long Beach Township Land Use Board (the "Board") for minor site plan approval with bulk variances relative to proposed outdoor seating at the property designated as Lot 1 in Block 7.16 on the Tax Map of the Township of Long Beach, located at 13015 Long Beach Boulevard in the Beach Haven Terrace Section of Long Beach Township. The property is currently developed with a mixed-use building containing the Beach House Restaurant on the first floor and a single-family dwelling unit on the second floor. On July 13, 2022, the Board approved an application permitting the Applicant to utilize a space to the north of the existing building to accommodate four outdoor dining tables. On the original site plan that was submitted to the Board, the Applicant proposed bollards to the north of the proposed tables. The bollards as previously proposed ran east-west, and were in line with the northern edge of the existing front porch. The purpose of the current application is to shift the location of the bollards, which will still run east west, to the north (3-3.5 feet north of their original location). The proposed relocation of the bollards does not impact the current parking configuration and does not impact the variances previously approved by the Board.

The following variances were approved on July 13, 2022:

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; 6 parking spaces

exist; and 6 parking spaces are proposed. There are no proposed changes to the current parking configuration.

The property also has the following preexisting nonconformities, which are not changing as part of this Application:

1. Section 205-33(B)(3)(a): Maximum permitted impervious coverage is 75%. 87.1% is existing; 87.1% is proposed.
2. Section 205-12(B): In all areas of Long Beach Township every building shall have side yards totaling not less than 30% of the lot frontage but in no event less than a total of 15 feet with a minimum of 4 feet on one side. Here, the required combined side yard setback is 15 feet. The existing and proposed combined side yard setback are 37.4 feet, with the southerly side yard setback being 0.1 feet.
3. Section 205-33(B)(4): A pervious surface area with a minimum width of 18 inches shall be provided between any impervious surface and the side yard and rear yard property lot lines. The eighteen-inch pervious area is not required for driveways with a minimum six-inch-high curbline along the side of a driveway abutting a property lot line. The existing and proposed setback to impervious surfaces is 0 feet.

To the extent the parking variance needs to be requested again with the proposed bollard relocation, the variance is requested. Applicant is also seeking a waiver from site plan approval based upon the fact that the site is fully developed.

By relocating the bollards to the north as demonstrated on the site plan, the Applicant is improving the safety of the parking lot. The bollards, as relocated, will protect customers and employees walking in front of the parked cars; the prior location of the bollards protected only customers that were seated at the new outdoor tables. There is ample area between the outdoor

dining tables and the relocated bollards for customers and employees to walk comfortably and safely.

Date August 10, 2022

LONG BEACH TOWNSHIP LAND USE BOARD
RESOLUTION OF MEMORIALIZATION

WHEREAS, application for variance relief has been made to the Long Beach Township Land Use Board by CC Mc Glynn's, LLC, the owner of the lands known and designated as Block 7.16 Lot 1, on the Official Tax Map of Long Beach Township, which lands are located at 13015 Long Beach Boulevard. The Applicant proposes to create an outdoor dining area which will not increase the total number of permitted seats.

WHEREAS, the Land Use Review Board considered this application at public hearing held on July 13, 2022.

WHEREAS, the applicant was represented by James S. Raban, Esq.

WHEREAS, the Application has been deemed complete and jurisdictional requirements of N.J.S.A. 40:55D-12 have been satisfied in that notice of this application has been given to all property owners within two hundred (200') of the property in question and notice of this application has been duly published in the official newspaper of the Township, all as required by law; and

WHEREAS, the property lies within the C General Commercial Zone.

WHEREAS, the Applicants proposes to reduce the number of indoor seats by 16 and to relocate those seats to 4 tables on the outside of the building to the north.

WHEREAS, the following exhibits were marked into evidence:

- A-1 Application and attachments.
- A-2 Variance prepared by Horn Tyson and Yoder, Inc. dated 4/26/22 and revised 6/6/22.
- A-3 Color Photos (4).
- A-4 Tax Map.
- B-1 Board Engineer Review Letter prepared by Frank Little, Jr. P.E., P.P., CME. dated 7/5/22.

WHEREAS, Testimony was offered by James D. Brzozowski, P.E., P.P. who was qualified as an expert in professional planning and professional engineering; Debra McGlynn and Terrence McGlynn also testified on behalf of the Applicant.

WHEREAS, Mr. Brzozowski was sworn and testified as follows:

1. The existing outdoor seating on the porch is currently permitted by license issued to the applicant for 18 seats. No proposed change to the number of seats located on the porch is proposed. The number of seats on the porch is determined by the total number of indoor seats of 120. While the number of approved indoor seats may be reduced to provide for the proposed new outdoor seating area, that shall not affect the calculation of permitted seats on the porch which shall remain at 18.
2. The pre-existing non-conformities for side yard setback, rear yard setback, impervious coverage and distance to impervious coverage and parking are not being expanded.
3. The total number of permitted seats is not being expanded therefore the pre-existing non-conforming parking is not being expanded.
4. The Application is being amended to remove all proposed outdoor seating from the southern side of the building and to provide for 4 tables located to the north with a total of 16 seats. The plan will be revised to reflect this amendment.
5. Outdoor seating is a growing trend and serves a need within the Township which advances the purposes of the MLUL.
6. The Applicants' proposal maintains a commercial use within the Commercial Zone and therefore advances the Master Plan.
7. The proposed addition of outdoor seating is not a detriment to the public good or surrounding properties. To the north of the proposed outdoor seating area is a commercial establishment.
8. The Applicant shall install bollards between the outdoor seating area and the existing curb stops.
9. The no parking signs located on the southerly side of the structure shall be removed.
10. The total number of seats is not being expanded and is as follows:
 - a. 18 seats on the porch pursuant to the existing license.
 - b. 16 seats added to the north side of the building.
 - c. 104 seats inside the building.
11. No change to the footprint of the structure is proposed.
12. The proposed improvements do not impair the Zone Plan or Master Plan of the Township.

13. All the adjacent property is fully developed and there is no property available to being the lot into conformity or remove the need for variance relief.

WHEREAS, Mr. and Mrs. McGlynn were sworn and testified as follows:

1. They are the members of CC McGlynn's, LLC and have authority as the only members of the LLC to make this Application and to bind the LLC.
2. They have owned the property since 1997.
3. There are currently 120 seats inside and 18 on the porch pursuant to a license.
4. There is a demand for outside seating by the dining public.
5. There is ample space for the tables to be located to the north without affecting the existing parking configuration.
6. The no parking signs will be removed from the southerly side of the building.
7. Access to the outside tables will be from the porch and not require customers or staff to traverse the parking lot.

WHEREAS, the meeting was opened to the public. Several members of the public spoke:

WHEREAS, the Long Beach Township Land Use Board, after considering the application and exhibits submitted by the applicant, as well as the testimony of the Applicants' experts, the report of the Township Engineer, Frank J. Little, Jr., PE, and comments of interested parties has made the following findings of fact:

1. All jurisdictional requirements have been met as the Application having been deemed complete and proper notice having been published and served.
2. The applicants are authorized to make the Application.
3. The property is in the C General Commercial Zone.
4. Preservation of a commercial business in the commercial zone is consistent with the master plan and advances the purpose of the MLUL.
6. The Board finds that the variances can be granted without substantial detriment to the Zone Plan, Master Plan and/or Ordinances of the Township of Long Beach.
7. The Board finds that the benefits of granting the variances outweigh any detriment to the zone plan, ordinances, and Master Plan of the Township. The Board specifically finds that preserving a commercial use in the commercial district, filling a need for outdoor dining options are benefits.

8. The Board finds that there is no detrimental impact to the open air and light of the surrounding properties whereas the proposed tables/seats will be located between two commercial establishments.
9. The location of the proposed tables and the installation of bollards in addition to the existing curb stops represents a safer alternative than the original proposal.
10. The Total number of permitted seats are 104 indoor seats, 16 seats at 4 tables to the north of the building and 18 seats on the porch. The existing porch seating shall be permitted to remain at 18 notwithstanding reduction of the 'approved' indoor seat due to the offsetting outdoor seats.
11. The Applicants shall submit a revised plan within 45 days which provides for four tables with four seats each located to the north of the building with removal of the proposed tables to the south.
12. The no parking signs shall be removed from the southerly side of the building.

NOW THEREFORE, BE IT RESOLVED, that the variance relief requested by the Applicant is hereby granted in accordance with the application, plans and testimony admitted at time of hearing.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's compliance with all terms and conditions of the letter of the Board Engineer, Frank J. Little, Jr. P.E., P.P., and C.M.E., dated July 5, 2022, and entered in evidence as Exhibit B-1.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant obtaining all requisite permits and Applicant complying with all Federal, State and Local rules, regulations, statutes, and existing ordinances effecting this development and proposed use.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicant obtaining all outside agency approvals from all agencies having jurisdiction over this development.

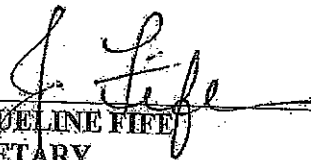
BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicants' payment of all taxes and all other applicable assessments, and Applicant satisfying all fees and escrow fees as may be required. Applicant shall also pay and post all inspection fees, performance guarantees and maintenance bonds as may be required,

in amounts established by the Township Engineer, and in such form as required by the Township Solicitor.

BE IT FURTHER RESOLVED that the applicant is required to comply with all existing ordinances of the Township of Long Beach, and failure to specify compliance herein shall not be deemed a waiver or recommendation by the Land Use Board with respect to Township Ordinances, including the Zoning Ordinances.

BE IT FURTHER RESOLVED that this approval is subject to all conditions and representations as set forth herein and as placed on the record at the public hearing conducted virtually on July 13, 2022, when this matter was considered.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon applicants complying with all technical revisions and submissions as the Township Engineer may require.


JACQUELINE FIFE
SECRETARY

Moved By: ROTH

Seconded by: MEEHAN

ROLL CALL VOTE:

HUMMEL, PINGARO, JONES, VANBUREN, ROTH, CAPLICKI, and DUCKER all voted yes


Ayes: (7):

Nays: (none)

Abstentions: (none)

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 approved at the July 13, 2022, regular meeting and memorialized by the Land Use Review Board of the Township of Long Beach at a public meeting held on August 10, 2022.


JACQUELINE FIFE
SECRETARY

PUBLICATION DATE: AUGUST 18, 2022



VOTE RECORD

CC MCGLYNN'S

Application# LUB-21-22

Date of Meeting: July 13, 2022

- Type of Application: ☐ Bulk Variance (Max. 9 votes - majority of eligible votes req.)
- ☐ ~~Use Variance~~ (Max. 7 votes - Class I and III and alts. Ineligible - 5 affirmative votes required to pass)
- ☐ Site Plan/Sub-division w/o Use Variance (Max. 9 votes - majority of eligible votes req.)
- ☐ ~~Site Plan/Sub-division with Use Variance~~ (Max. 7 votes - Class I and III and alts. Ineligible - 5 affirmative votes required to pass)
- ☐ Interpretation (Max. 9 votes - majority of eligible votes req.)
- ☐ Quorum met: at least 5 eligible members present and voting

VOTE

Motion to: ☒ Approve ☐ Deny Moved By: Pingaro w/ amendments.
Second By: Southwick

<u>Present</u>	<u>Eligible</u>	<u>Member</u>	<u>Vote</u>
<input type="checkbox"/>	<input type="checkbox"/>	Hon. Joseph H. Mancini	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input type="checkbox"/>	Ralph H. Bayard	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Joseph E. Hummel, Chair	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	David A. Southwick, VC	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ronald Pingaro	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vilma E. Applegate	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Richard L. Jones	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Robert S. VanBuren, Vice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Robert B. Roth, Jr.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Patricia M. Caplicki, Alt #1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Kristin Ducker, Alt.#2	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input type="checkbox"/>	Alexander Meehan, Alt #3	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input type="checkbox"/>	VACANT SEAT Alt.#4	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs

Total Voting: 9 Total: 9 Yes 0 No 0 Abs

Majority vote of eligible voters required to approve application for all but Use Variance. Tie vote is a denial. Use variance required affirmative vote of 5 out of maximum 7 voting members. On a Use Variance if only 6 are present or voting, 5 affirmative votes are still needed.

*Memorialization: only those who voted with the majority may vote on memorialization.



VOTE RECORD

CC MCGLYNN'S

Resolution # LUB-21-22

Date of Meeting: August 10, 2022

- Type of Application: ☐ Bulk Variance (Max. 9 votes - majority of eligible votes req.)
☐ Use Variance (Max. 7 votes - Class I and III and alts. Ineligible - 5 affirmative votes required to pass)
☐ Site Plan/Sub-division w/o Use Variance (Max. 9 votes - majority of eligible votes req.)
☐ Site Plan/Sub-division with Use Variance (Max. 7 votes - Class I and III and alts. Ineligible - 5 affirmative votes required to pass)
☐ Interpretation (Max. 9 votes - majority of eligible votes req.)
☐ Quorum met - at least 5 eligible members present and voting

VOTE

Motion to: ☒ Approve ☐ Deny Moved By: Roth
 Second By: Meehan

<u>Present</u>	<u>Eligible</u>	<u>Member</u>	<u>Vote</u>
<input type="checkbox"/>	<input type="checkbox"/>	Hon. Joseph H. Mancini	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input type="checkbox"/>	Ralph H. Bayard	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Joseph E. Hummel, Chair	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	David A. Southwick, VC	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ronald Pingaro	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vilma E. Applegate	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Richard L. Jones	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Robert S. VanBuren, Vice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Robert B. Roth, Jr.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Patricia M. Caplicki, Alt #1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Kristin Ducker, Alt #2	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input type="checkbox"/>	Alexander Meehan, Alt #3	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs
<input type="checkbox"/>	<input type="checkbox"/>	VACANT SEAT Alt #4	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abs

Total Voting: 7 Total: 7 Yes 0 No 0 Abs

Majority vote of eligible voters required to approve application for all but Use Variance. Tie vote is a denial. Use variance required affirmative vote of 5 out of maximum 7 voting members. On a Use Variance if only 6 are present or voting, 5 affirmative votes are still needed.

*Memorialization: only those who voted with the majority may vote on memorialization.



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 # _____
- ☐ Check for Escrow Fee \$ 1,500.00 Check # _____

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 _____

Date 8/23/22

Print Name _____

Approved _____ Denied _____
(FOR LAND USE BOARD SECRETARY ONLY)

1

Block: 7-11e Lot(s): 1 Date: 6/3/22

****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]

TOWNSHIP OF LONG BEACH
LAND USE BOARD
TECHNICAL CHECKLIST

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
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

5

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 :

ss.

COUNTY OF Ocean :

I, CC McGlynns, 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 13015 Long Beach Blvd.

(Street Address)

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

Block 7.16

Lot 1

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: 2/9/22

[Signature]
Signature of Owner

Debra McGlynns
Print Name above

[Signature]
Signature of Owner

Terrence McGlynns
Print name above

Sworn and Subscribed to before me
this 9 day of February, 2022.

[Signature]
Notary Public

DENSE LAWLOR-HAMOUDA
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 5/18/2023

PUBLIC NOTICE

LONG BEACH TOWNSHIP

PLEASE TAKE NOTICE that CC McGlynns LLC (the "Applicant") has made application to the Long Beach Township Land Use Board (the "Board") for minor site plan approval with bulk variances relative to proposed development at the property designated as Lot 1 in Block 7.16 on the Tax Map of the Township of Long Beach, located at 13015 Long Beach Boulevard in the Beach Haven Terrace Section of Long Beach Township. The property is currently developed with a mixed-use building containing the Beach House Restaurant on the first floor and a single-family dwelling unit on the second floor. On July 13, 2022, the Board approved an application permitting the Applicant to utilize a space to the north of the existing building to accommodate four outdoor dining tables. On the original site plan that was submitted to the Board, the Applicant proposed bollards to the north of the proposed tables. The bollards as previously proposed ran east-west, and were in line with the northern edge of the existing front porch. The purpose of the current application is to shift the location of the bollards, which will still run east west, to the north (3-3.5 feet north of their original location). The proposed relocation of the bollards does not impact the current parking configuration and does not impact the variances previously approved by the Board.

The following variance was approved on July 13, 2022:

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; 6 parking spaces

exist; and 6 parking spaces are proposed. There are no proposed changes to the current parking configuration.

The property also has the following preexisting nonconformities, which are not changing as part of this Application:

1. Section 205-33(B)(3)(a): Maximum permitted impervious coverage is 75%. 87.1% is existing; 87.1% is proposed.
2. Section 205-12(B): In all areas of Long Beach Township every building shall have side yards totaling not less than 30% of the lot frontage but in no event less than a total of 15 feet with a minimum of 4 feet on one side. Here, the required combined side yard setback is 15 feet. The existing and proposed combined side yard setback are 37.4 feet, with the southerly side yard setback being 0.1 feet.
3. Section 205-33(B)(4): A pervious surface area with a minimum width of 18 inches shall be provided between any impervious surface and the side yard and rear yard property lot lines. The eighteen-inch pervious area is not required for driveways with a minimum six-inch-high curbline along the side of a driveway abutting a property lot line. The existing and proposed setback to impervious surfaces is 0 feet.

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 September 14, 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 #3499

James S. Raban
Attorney for the Applicant