

**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**

January 12, 2023

Via Hand Delivery and Jfife@longbeachtownship.com

Jackie Fife

Long Beach Township Land Use Board

6805 Long Beach Boulevard

Brant Beach, NJ 08008

Re: PSM Real Estate, LLC Preliminary and Final Major Subdivision

Block 11.28, Lots 1.03, 1.04, 1.24 & 1.25

47 W. Alabama Ave. & 34 W. Muriel Ave., LBT

Dear Jackie:

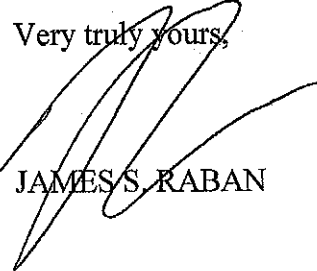
Enclosed please find the following with regard to the above referenced matter:

- (x) Original and 14 copies of Land Use Development Application;
- (x) 14 copies of Subdivision Plan prepared by James Brzozowski, P.E., P.P., of Horn, Tyson & Yoder, Inc.;
- (x) 14 copies of Tax Map with Property Lot and Block highlighted;
- (x) 14 color copies of 4 property photos
- (x) 1 W-9;
- (x) 1 Affidavit of Ownership (to be supplied);
- (x) 1 Signed Checklist;
- (x) 1 Technical Checklist;
- (x) 1 Proposed Public Notice;
- (x) Application Fee Variance      check # 3513    Amount    \$2,200.00
- (x) Attorney Escrow                check # 3514    Amount    \$3,500.00
- (x) Please consent and/or approve for public hearing on February 8, 2023 at 6:30 p.m.

If you have any questions, please do not hesitate to contact me. Thank you for

Jackie Fife  
Long Beach Township Land Use Board  
January 12, 2023  
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: PSM Real Estate, LLC (via email)  
James Brzozowski, P.E., P.P. (via email)  
Frank Little, Jr., P.E., P.P. (via email and regular mail)  
Kevin Quinlan, Esq. (via email and regular mail)

# APPLICATION TO THE LONG BEACH TOWNSHIP LAND USE BOARD

Do not write below - for official use only

Project Name: PSM Real Estate LLC Major Subdivision

Block: 11.28 Lot(s): 1.03, 1.04, 1.24, 1.25

Property Address: 47 W. Alabama Ave.

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: PSM Real Estate LLC

Address: Street: 1415 Long Beach Blvd. City: Ship Bottom Zip: 08008

Phone: (609) 492-1102 e-mail: callanmoeller@aol.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: See attached Owner Supplement

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, Esq.

Address: Street: 11710 Long Beach Blvd. City: Have Beach Zip: 08008

Phone: (609) 492-0533 e-mail: jraban@regraban.com

4. Planner/Surveyor: Horn, Tyson & Yoder, Inc.

Address: Street: 8510 Long Beach Blvd. City: Long Beach Twp Zip: 08008

Phone: (609) 492-5050 e-mail: jimb@htyoder.com

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

*Attache additional sheets if necessary.*

6. Location of property:  
Zone: R-50 Lot Area: 64,442 sq ft Lot Dimensions: Irregular

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

8. Current Use: Lot 1.03: Single Family Lots 1.24 and 1.25: Vacant  
No. of Dwelling Units: 1 No. of Commercial Units: \_\_\_\_\_

9. Proposed Use: 4 single-family building lots +

10. When was the property purchased? 4/3/1992

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: See attached Conservation (Attach Copies) ☐ None  
(B) Easements: Restriction (Attach Copies) ☐ None  
(C) Condominium: \_\_\_\_\_ (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**

**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**

Please see attached Materials Supplement

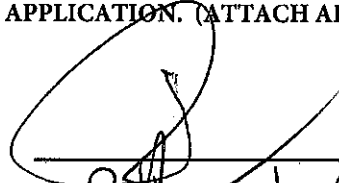
**18. List all material submitted with this application i.e. plans, surveys, drawings, photos, reports etc.**

Please see attached Materials Supplement

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

Dates:

1/12/23

  
\_\_\_\_\_, Applicant  
Patrick Moeller, 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

2. Ownership Information:

Lots 1.03, 1.04 & Lot 1.24:

Owner: Mark L. Shapiro

Address: 47 W. Alabama Ave., Long Beach Township, NJ 08008

Phone: 609-384-2132

Email: N/A

Lot 1.25:

Owner: Susan Barash 2005 Trust u/a/d May 31, 2005 (50% interest) (Susan S. Barash and Lawrence Abramson, Trustees)

Address: 47 W. Alabama Ave., Long Beach Township, NJ 08008

Phone: 917-892-6533

Owner: Mark L. Shapiro 2005 Trust u/a/d May 31, 2005 (50% interest) (Mark L. Shapiro and Lawrence Abramson, Trustees)

Address: 47 W. Alabama Ave., Long Beach Township, NJ 08008

Phone: 609-384-2132

Email: N/A

## **APPLICATION SUPPLEMENT**

PSM Real Estate LLC (the "Applicant") has made application to the Long Beach Township Land Use Board for preliminary and final major subdivision approval relative to the properties designated as Lots 1.03, 1.04, 1.24, and 1.25 in Block 11.28 on the Tax Map of the Township of Long Beach, located at 47 W. Alabama Ave., 34 W. Muriel Ave., and 38 W. Muriel Ave. in the Beach Haven Park Section of Long Beach Township. Lot 1.03 is currently developed with a single-family dwelling. Lots 1.24 and 1.25 are currently vacant.

The Applicant is seeking to demolish the existing single-family dwelling on Lot 1.03 and create four single-family building lots, which will be known as new lots 1.30, 1.33, 1.35, and 1.37. Five new riparian lots will also be created, which will be known as new lots 1.32, 1.34, 1.36, 1.38, and 1.39. New lot 1.31 is to be set aside for future water dependent use as required by the New Jersey Department of Environmental Protection and will have public access to Little Egg Harbor Bay. There are also three public parking spaces on new lot 1.31. New lots 1.33, 1.35, and 1.37 will be accessed via W. Alabama Ave. New lots 1.30 and 1.31 will be accessed via W. Muriel Ave. While the Applicant does not believe that any variances are required, any variances and/or waivers deemed necessary or appropriate by the Board will be requested at the hearing.

The following materials were submitted with the Application:

1. Land Use Development Application
2. Major Subdivision Plan prepared by Horn, Tyson & Yoder, Inc.
3. Copy of New Jersey Environmental Protection Permit dated August 5, 2005 granting permission to construct 36 single-family dwellings
4. Declaration of Conservation Restriction/Easement (Public Access Easement) dated September 19, 2005
5. Deed dated January 15, 2008, which contains a copy of Resolution dated May 9, 2007 under LUB 14-07
6. Deed dated July 11, 2008, which contains copies of Resolution dated March 2, 2006 under LUB-38-05P and Resolution dated May 9, 2007 under LUB 38-05F
7. Declaration of Covenants and Restrictions for Sounds Edge

STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
(See Issuing Division below)  
PERMIT



The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 1517-03-0074.1 (CAF 040001)	Application No. 1517-03-0074.1 (CAF 040001)
Issuance Date <b>AUG 05 2005</b>	Effective Date <b>AUG 05 2005</b>
Expiration Date <b>AUG 05 2011</b>	
Name and Address of Applicant Herbert L. Shapiro 48 West Jerome Avenue Beach Haven Park, NJ 08008	Name and Address of Owner Same
Name and Address of Operator Same	Statute(s) NJSA 13:19-1
Location of Activity/Facility (Street Address) Jerome/Alabama Avenue Block 11.28, Lot(s) 1.05 Long Beach Township, Ocean County	Issuing Division Land Use Regulation Program
Type of Permit: Coastal Area Facilities Review Act Permit	Maximum Approved Capacity, if applicable

This Coastal Area Facilities Review Act (CAFRA) permit grants permission for the applicant to: construct (36) single-family dwellings and the associated site improvements according to the plans provided. As a condition of this permit public access must be clearly marked and maintained on-site at all times. Public access signage must be placed at the corner of Alabama Avenue and Long Beach Boulevard, at each end of the 5' public access easement and at the 760 square foot public access easement fronting Little Egg Harbor Bay. The designated public access areas including signage and benches are to remain in perpetuity. In addition, the applicant must landscape the project in accordance with Landscaping for Birds on New Jersey's Barrier Islands. The applicant should contact Don Wilkinson of the New Jersey Division of Fish and Wildlife at 609-292-2965. Freshwater wetlands, transition areas and State open waters will not be impacted by the project.

This work is shown on sheet 2 of 6, entitled "MAP TO ACCOMPANY A CAFRA APPLICATION, LOT 1.05 BLOCK 11.28, TAX MAP SHEET # 14, LONG BEACH TOWNSHIP, OCEAN COUNTY, NEW JERSEY", dated April 17, 2003, as revised through June 28, 2005, and prepared by John L. Yoder of Horn, Tyson & Yoder, Inc.

This permit is authorized under and in compliance with the applicable Rules on Coastal Zone Management (N.J.A.C. 7:27-1.1 et seq.) provided permit conditions contained herein are met.

The permittee shall allow an authorized representative of the Department (the right to inspect construction pursuant to N.J.A.C. 7:27-1.5(b)4).

Prepared By:   
Christopher Pike

**RECEIVED**  
AUG 17 2005  
TAYLOR WISEMAN TAYLOR  
1000 AIRPORT ROAD  
LAKEWOOD NJ 08701

(This permit is not valid unless all three (3) pages are attached and the authorized signature of the Bureau Manager of the New Jersey Department of Environmental Protection Land Use Regulation Program appears on Page 3)

4-70

This permit is issued subject to and provided that the following conditions can be met to the satisfaction of the Land Use Regulation Program. All Administrative Conditions must be met prior to construction unless otherwise specified. The issuance of this permit does not relinquish any Tidelands claims, if any. All Physical Conditions are subject to on-site compliance inspection. Please notify the Bureau of Enforcement, (401 East State Street, P.O. Box 422, Trenton, New Jersey 08625), in writing at least 10 days prior to commencement of construction or site preparation.

**Administrative Conditions:**

1. This permit shall be RECORDED in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES in the applicable counties) in the county wherein the lands included in the permit are located within ten (10) days after receipt of the permit by the applicant and verified notice shall be forwarded to the Land Use Regulation Program immediately thereafter.
2. This permit is NOT VALID until the permit acceptance form has been signed by the applicant, accepting and agreeing to adhere to all permit conditions, and returned to the Land Use Regulation Program at P.O. Box 439, Trenton, NJ 08625.
3. Prior to any site preparation or commencement of construction, the permittee must provide the Program with proof that the Soil Erosion and Sediment Control plan has been approved by the Ocean County Soil Conservation District.
4. Prior to any site preparation or commencement of construction and as a condition of this permit, the applicant must design and submit a landscaping plan in accordance with Landscaping for Birds on New Jersey's Barrier Islands. The landscaping plan must receive approval from the New Jersey Division of Fish and Wildlife. The applicant should coordinate their efforts with Don Wilkinson of the New Jersey Division of Fish and Wildlife. He can be reached at 609-292-2965.
5. Pursuant to N.J.A.C. 7:27E-8.11(b) 11, within 60 days of this authorization the applicant shall prepare and have recorded with the County Clerk a deed restriction/conservation restriction prohibiting any future disturbance or development of the portion of the site that is dedicated as public access. The deed restriction language must be obtained from the Land Use Regulation Program. All changes are subject to approval by the Program prior to recording. The deed restriction/conservation restriction must be filed prior to any site preparation or commencement of construction. For more information please contact Laura Swartz of our staff at 609-984-0288.
6. Prior to any site preparation or commencement of construction and as a condition of this permit, the applicant must submit a plan depicting public access signage throughout the site. Public access must be clearly marked and maintained on-site at all times. Public access signage must be placed at the corner of Alabama Avenue and Long Beach Boulevard, at each end of the 5' public access easement and at the 760 square foot public access easement fronting Little Egg Harbor Bay. The designated public access areas including signage and benches must remain in perpetuity.

**TERMS AND CONDITIONS:**

**Coastal Permit General Conditions:**

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the State of New Jersey Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State of New Jersey a party in any suit or question of ownership.
6. This permit does not waive the requirement of obtaining Federal or other State or local government consents when necessary. No work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon the request of any person.
8. Any construction, grading, removal of vegetation, or other activity at this site that affects a regulated area, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.
9. In case of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

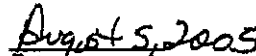
**Physical Conditions:**

1. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on the site. This includes, but is not limited to, the cleaning and inspection of all water quality inlets at least twice a year and after every major storm, and the continuous implementation of appropriate soil conservation practices within any grassed swales, stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.
2. The use of plastic under newly landscaped or gravel areas is prohibited. All sub gravel liners must be made of filter cloth or other permeable material.

TERMS AND CONDITIONS:

3. The lowest floor of the proposed structure (including basement) shall be elevated to or one foot above the base flood elevation as shown on the appropriate Flood Insurance Rate Map (FIRM). The proposed structure is in a flood zone designated AE (Elevation 9).
4. Newly constructed driveways shall be covered with a permeable material or pitched to drain all runoff onto permeable areas of the site.
5. Prior to commencement of construction, a silt fence shall be erected at the limit of disturbance along the waterward side of the development with a 10-foot return on each end. This fence must be maintained and remain in place until all construction and landscaping activities are completed.
6. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilize in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey", (obtainable from local Soil Conservation District Offices) promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. And N.J.A.C. 2:90-1.3 through 1.14. These standards are hereby incorporated by reference.
7. All fill material used on site shall come from a suitable source and be clean and free of toxins.
8. All refuse and debris shall be legally disposed of offsite when construction activities are complete.

  
Kevin J. Broderick, Manager  
Bureau of Coastal Regulation  
Land Use Regulation Program

  
Date

Cc: Bureau of Coastal and Land Use Enforcement  
Municipal Construction Official  
Municipal Clerk

INSTR # 2007072593 OR BK 13660 PG 0753 06/04/2007 02:22:28 PM  
CARL W. BLOCK COUNTY CLERK, OCEAN COUNTY NEW JERSEY

Prepared By: Herbert L. Shapiro, Esq.

NJDEP File No: 1517-03-0074.1 (CAF 040001)

**DECLARATION OF CONSERVATION RESTRICTION/EASEMENT  
(PUBLIC ACCESS EASEMENT)**

This Declaration of Conservation Restriction is made this 19 day of SEPTEMBER, 2005, by Mark L. Shapiro, whose address is 47 W. Alabama Avenue, Beach Haven Park, Long Beach Township, County of Ocean, State of New Jersey, hereinafter referred to as "Declarant", in favor of the New Jersey Department of Environmental Protection, hereinafter referred to as the "Department".

**WITNESSETH:**

WHEREAS, the Declarant is the owner of certain real property in fee simple located in the Township of Long Beach, County of Ocean, New Jersey, designated as Lot 1.03, Block 11.28 on the official Tax Map of the Township of Long Beach, County Clerk Book Number 10077 Page Number 1820 (hereinafter "the Property"); and

WHEREAS, The Department has issued Permit # 1517-03-0074.1 (CAF 040001) (the "Permit"), which permits certain construction described therein, and requires a public access to waterfront, pursuant to the Waterfront Development Law, N.J.S.A. 12: 5-3, the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq., as amended, and the corresponding Rules on Coastal Zone Management, N.J.A.C. 7:7E-1 et seq., as amended (together, "CAFRA"); specifically N.J.A.C. 7:7E-8.11; and

WHEREAS, as a condition to the Permit, permit holder must provide for public access over the portion of the Property, as well as public access to and along the water's edge, more specifically on EXHIBIT B ("Easement Areas"), along with a legal description of the Easement Area (EXHIBIT C) prepared by Horn, Tyson and Yoder, Inc. attached hereto and included herein collectively by reference, as the "Easement Area Plan;" and

WHEREAS, The Department is authorized by N.J.S.A. 13:1D-9 to formulate comprehensive policies for the conservation of natural resources, to promote environmental protection, and prevent pollution of the environment of the State, and is authorized by N.J.S.A. 13:8B-3 to acquire and enforce conservation restrictions; and

WHEREAS, Declarant, having the authority to do so, intends to enter into this Easement Agreement in order to grant to The Department a conservation easement of the Property for the creation and use of the Easement Areas; and

(10) - 140 - cash

**NOW THEREFORE**, in consideration of the facts recited above and the terms, conditions and restrictions contained herein, Declarant hereby agrees that this Easement Agreement is made and declared to be subject in perpetuity to the following conveyances, covenants and restrictions in favor of the Department:

1. Declarant hereby voluntarily conveys, transfers, assigns and grants to the Department a Conservation Easement with respect to that portion of the Property as described by metes and bounds within the Easement Areas.
2. The parties agree that the Easement shall be in full force and effect as to the entire Easement Areas described in Exhibits B and C, and depicted on the Easement Plan, including those areas upon which the Public Parking Spaces and the Walkways have not yet been constructed as of the date of this Easement Agreement, and will be accessible to the public twenty-four (24) hours per day, seven (7) days per week, three hundred sixty-five (365) days per year.
3. Nothing contained in this Easement Agreement shall be deemed or construed to give or grant to the Department, the public, or anyone else, any rights to use any portion of the Property except the Easement Areas.
4. Declarant, its successors and assigns, shall maintain the Easement Areas pursuant to Exhibit D.
5. The Easement Areas may be used only for recreational purposes. Recreational uses shall not include any activity that violates federal, state, county or municipal law. No construction shall be permitted within the Easement Areas.
6. The Walkways may only be used for walkway purposes, being those recreational activities including, but not limited to, jogging, bicycling, walking, viewing and other similar recreational activities consistent with and compatible with public enjoyment of the Easement Areas preserved by the Easement herein granted.
7. In the event of a conflict between this Easement Agreement and the Plan, the Plan shall govern.
8. The Easement hereby granted shall be a burden upon and shall run with the Property and shall bind Declarant, its successors and assigns, in perpetuity. Declarant shall provide the Department telephonic and written notice of any transfer or change in ownership of the Easement Areas, including the name and address of the new owner, including but not limited to any later-formed condominium association, at least six business days prior to the day of the signing of those documents accomplishing the actual transfer or change in ownership.

9. The Department reserves the right to transfer, assigns, or otherwise convey the Easement conveyed by this Easement Agreement to any other entity or person to facilitate the operation of and/or public use and enjoyment of the Easement Areas.
10. Any notice, demand, request, consent, approval or communication under this Easement Agreement shall be sent by certified mail, return receipt requested or reliable overnight courier, addressed as follows:

To Declarant:

To the Department:

New Jersey Department of Environment Protection  
Land Use Regulation Program  
501 East State Street  
P.O. Box 439  
Trenton, NJ 08625

11. A party may change the address or person to whom notices to it are required to be given by notice given in the manner above provided.
12. Taxes, Insurance.
  - a. Declarant retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Easement Areas, including the maintenance of adequate comprehensive general liability insurance coverage. Declarant shall keep the Easement Areas free of any liens arising out of any work performed from materials furnished to or obligations incurred by Declarant.
  - b. The Declarant agrees to pay any real estate taxes or other assessments levied on the Easement Areas. If the Declarant becomes delinquent in payment of said taxes or assessments, such that a lien against the land is created, the Department, at its option, shall, after written notice to the Declarant, have the right to purchase and acquire the Declarant's interest in said Easement Areas by paying funds to discharge said lien or delinquent taxes or assessments, or to take such other actions as may be necessary to protect the Department's interest in the Easement Areas and to assure the continued enforceability of this Easement agreement.
13. Miscellaneous.
  - a. The laws of the State of New Jersey shall govern the interpretation and performance of this Easement Agreement.


- b. If any provision of this Easement Agreement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Easement Agreement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
  - c. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the easement, all of which are merged herein. No alteration or variation of this Easement Agreement shall be valid or binding unless containing a writing executed by the parties hereto.
  - d. Should there be more than one Declarant the obligations imposed by this Easement Agreement upon Declarant shall be joint and several.
  - e. The covenants, terms, conditions and restrictions of this Easement Agreement shall be binding upon, and inure to the benefit of, the parties hereto and all parties having or acquiring any right, title or interest in any portion of the Property, including holders of subdivision deeds, and shall continue as a servitude running in perpetuity with the Property.
  - f. The captions in this Easement Agreement have been inserted solely for convenience of reference and are not a part of this Easement Agreement and shall have no effect upon construction or interpretation.
  - g. Execution of this Easement Agreement does not constitute a waiver of the ownership interest of the State of New Jersey in public trust property [See *National Association of HomeBuilders v. NJDEP*, 64 F.Supp. 2d 354, 358 (D.N.J. 1999), fn.1].
  - h. This Easement Agreement may be executed in any number of counterparts, all of which, taken together, shall constitute one and the same instrument.
14. In the event that Declarant makes a showing that a de minimis modification of the restricted area can be justified, the Department may approve the modification under the following conditions and with the following documentation:
- a. The modification results in an increased level of protection of the regulated resource; or
  - b. The modification results in equivalent areas of resources protected; and
  - c. The modification does not compromise the original protected resource; and
15. If the Department approves the modification, the Declarant shall cause the following documents to be prepared and submitted to the Department for review and approval:

- a. A revised Plan and Metes and Bounds description for the area to be preserved under the modified Easement agreement (hereinafter the "Modification Documents"; and
  - b. An Amended Easement agreement that reflects the modifications to the original Easement agreement, the justification for the modification, and that also includes the deed book and page of the title deed for the property or properties set forth in the Modification Documents.
16. The Declarant shall record the documents listed in paragraph 15, above, in the same manner and place as the original Easement agreement was recorded.
  17. This declaration of restriction may only be removed pursuant to N.J.S.A. 13:8B-1 et seq.

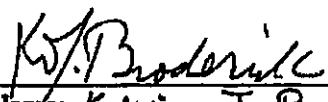
**TO HAVE AND TO HOLD** unto the New Jersey Department of Environmental Protection, its successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed with this declaration grant shall not only be binding upon the Declarant but also its agents, personal representatives, assigns and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the Property.

**IN WITNESS WHEREOF**, Declarant and The Department have executed and delivered this Easement Agreement as of the date first set forth above.

**DECLARANT:**

By:   
Name: Mark L. Schapiro  
Title: OWNER

**THE DEPARTMENT:  
NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

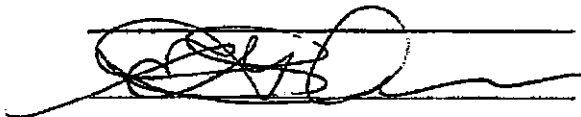
By:   
Name: Kevin J. Broderick  
Title: Branch Manager

STATE OF NEW JERSEY )

COUNTY OF OCEAN )

SS.

Be it remembered that on this 19 day of SEPTEMBER 2005, before me, the subscriber, a Notary Public of New Jersey, personally appeared: MARK L SHAPIRO, and he thereupon acknowledged that he signed the foregoing instrument (*in such capacity, that the seal affixed to said instrument is the corporate seal of said corporation*), and that said instrument is the voluntary act of deed of said person (or corporation, made by virtue of authority from its Board of Directors).



A Notary Public of NEW JERSEY

**E. GALE SHERMAN**

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires: ~~Commission Expires 2/13/2006~~

STATE OF NEW JERSEY )

COUNTY OF Mercer )

SS.

On this, the 18<sup>th</sup> day of October, 2005, before me, a Notary Public in and for the State of New Jersey, personally appeared Kevin J. Brubonick, who acknowledged himself/herself to be the Manager of the New Jersey Department of Environmental Protection, and that he/she, as such officer, being authorized to do so, executed the foregoing instrument on behalf of such entity for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notary Public

My Commission Expires:

Helen A. Owens  
Notary Public of New Jersey  
My Commission Expires 1/24/2009

**EXHIBIT A**

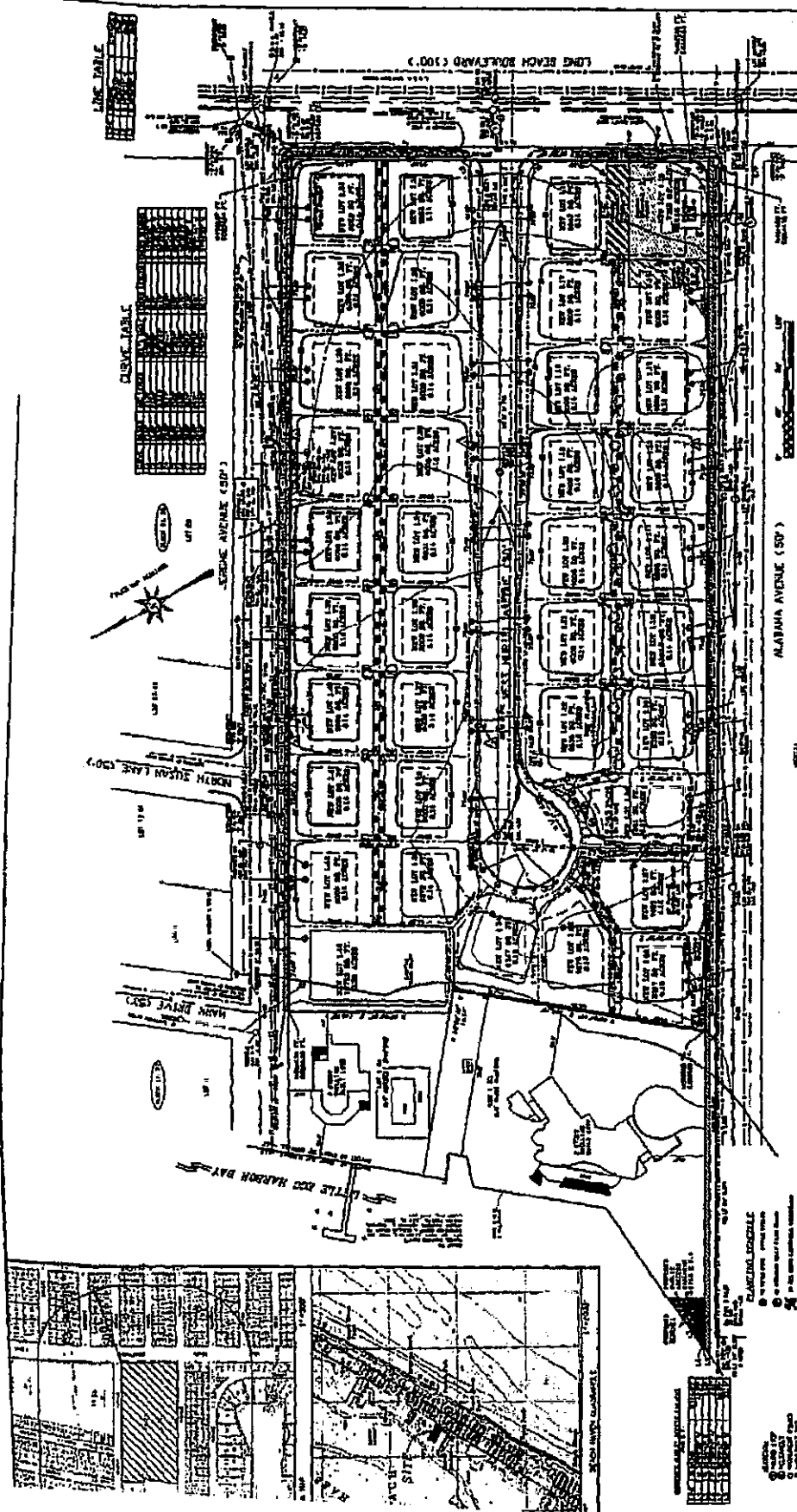
**Legal Description**

All that certain real property located in Long Beach Township, Ocean County, New Jersey, described as follows:

Beginning at a point at the intersection of the northerly line of Alabama Avenue, 50' wide, and the westerly line of Long Beach Boulevard, 100' wide, thence:

1. North 59° 09' 30" West along the northerly line Alabama Avenue, 50' wide, 766.19' to a point, thence;
2. North 39° 51' 17" East along the division line between Lot 1.03 and Lot 1.05, 226.70' to a point, thence;
3. North 50° 08' 43" West along the division line between Lot 1.03 and Lot 1.05, 19.57' to a point, thence;
4. North 30° 50' 30" East along the division line between Lot 1.01 and Lot 1.05, 143.03' to a point, thence;
5. South 59° 09' 30" East along the southerly line of Jerome Avenue, 50' wide, 750.00' to a point being the intersection of the southerly line of Jerome Avenue and the westerly line of Long Beach Boulevard, thence;
6. South 30° 50' 30" West along the westerly line of Long Beach Boulevard 370.00' to the point of beginning.

It being the intention to describe Lot 1.05, Block 11.28 on a map titled "Preliminary/Final Major Subdivision, Lots 1.01, 1.02, 1.03 & 1.04, Block 11.28, Tax Map Sheet #14, Long Beach Township, Ocean County, New Jersey" a subdivision prepared by Horn, Tyson & Yoder, Inc., filed in the Ocean County Clerk's Office on April 1, 1992 and recorded as Filed Map G-2412.



**HORN TYSON & YODER, INC.**  
CONSULTING ENGINEERS, SURVEYORS & PLANNERS  
2810 NORTH AVENUE, SUITE 100  
DENVER, COLORADO 80202

**MAP NO. 100000000**  
A CARA APPLICATION  
FOR A SUBDIVISION  
OF LOT 11, BLOCK 11, 20  
PROPERTY OF de BLOIS  
JAMES D. BR20200500  
LONG BEACH TOWNSHIP  
DEER COUNTY, NEW MEXICO

**DATE:** 10/1/80  
**SCALE:** 1" = 100'  
**PROJECT NO.:** M-812

**NOTES:**

1. ALL LOTS ARE TO BE SUBDIVIDED INTO 100' X 100' LOTS.
2. THE TOTAL AREA OF THE SUBDIVISION IS 10.0 ACRES.
3. THE SUBDIVISION IS TO BE BOUNDARY SURVEYED AND PLATTED.
4. THE SUBDIVISION IS TO BE SUBJECT TO THE DEED OF CONVEYANCE.
5. THE SUBDIVISION IS TO BE SUBJECT TO THE DEED OF CONVEYANCE.
6. THE SUBDIVISION IS TO BE SUBJECT TO THE DEED OF CONVEYANCE.
7. THE SUBDIVISION IS TO BE SUBJECT TO THE DEED OF CONVEYANCE.
8. THE SUBDIVISION IS TO BE SUBJECT TO THE DEED OF CONVEYANCE.
9. THE SUBDIVISION IS TO BE SUBJECT TO THE DEED OF CONVEYANCE.
10. THE SUBDIVISION IS TO BE SUBJECT TO THE DEED OF CONVEYANCE.

**LEGEND:**

- 1. 100' X 100' LOTS
- 2. 100' X 100' LOTS
- 3. 100' X 100' LOTS
- 4. 100' X 100' LOTS
- 5. 100' X 100' LOTS
- 6. 100' X 100' LOTS
- 7. 100' X 100' LOTS
- 8. 100' X 100' LOTS
- 9. 100' X 100' LOTS
- 10. 100' X 100' LOTS

**TOTAL ACRES: 10.00**

Subj: P-O 1.03 B-11.28.wpd  
Date: Friday, June 10, 2005 11:32:47 AM  
From: htylbist@comcast.net  
To: herbtennis@aol.com

EXHIBIT C

June 10, 2005

METES & BOUNDS DESCRIPTION  
P/O Lot 1.03, Block 11.28  
Long Beach Township, Ocean County

Beginning at a point in the northerly line of Alabama Avenue, 50' wide, said point being distant 996.19' on a bearing of North 59E 09' 30" West from the intersection of the westerly line of Long Beach Boulevard, 100' wide, and the northerly line of Alabama Avenue extended and continuing:

1. North 59E 09' 30" West 42.95' along the northerly line of Alabama Avenue to a point in the bulkhead at the mean high water line of Little Egg Harbor Bay, thence;
2. North 85E 09' 41" East 2.66' along the bulkhead to a point, thence;
3. North 26E 58' 24" West 2.05' along the bulkhead to a point, thence,;
4. North 85E 09' 41" East 52.35' along the bulkhead to a point, thence;
5. South 30E 50' 30" West 33.18' to the point of beginning.

It being the intention to describe a proposed public access easement containing 760 SF as shown on a map titled AMap to Accompany A CAFRA Application, Lot 1.05, Block 11.28, Tax Map Sheet #14, Long Beach Township, Ocean County, New Jersey@ prepared by Horn, Tyson & Yoder, Inc. Bearing a revision date of January 21, 2005.

**EXHIBIT D  
MAINTENANCE PLAN**

- I. Declarant agrees to maintain the Public Parking Spaces and the Walkways at Declarant's expense.
- II. Parking cannot be removed without prior written approval by the Department.
- II. "Maintenance" includes:
  - (a) removal of snow, ice, leaves, litter, debris, graffiti, and unauthorized signage from the Public Parking Spaces and the Walkways,
  - (b) regular emptying of trash receptacles,
  - (c) maintaining the surface of the Public Parking Spaces and the Walkways and the area underneath in good repair, except for defects or failures caused by natural conditions beyond the control of Declarant as set forth below,
  - (d) maintenance and regular cleaning of drainage basins, grates or any other structure that may be designed to receive surface water runoff from the Public Parking Spaces and the Walkways, maintenance of any lighting fixtures, closure signs, trash receptacles and benches.
- III. In no event shall Declarant erect any gate or place any obstruction whatsoever across the Easement Areas that blocks or impedes physical access to the Easement Areas by the public at any time.
- IV. The Department shall not be permitted to construct, install or maintain any structure, building or other improvement within the Easement Areas, except those appearing on Plans approved by The Department in writing pursuant to the Permit.

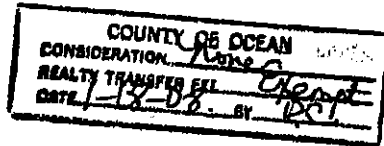
INSTR 2008006419

DR BK 13895 PG 1309

RECORDED 01/18/2008 10:00:07 AM

CARL W. BLOCK, COUNTY CLERK  
OCEAN COUNTY, NEW JERSEY

# Deed



Prepared by:

*Reginald J. Raban*

REGINALD J. RABAN  
Attorney at Law of New Jersey

This Deed is made on January 15, 2008

BETWEEN Mark L. Shapiro

whose address is 47 W. Alabama Avenue., Beach Haven Park, NJ 08008

referred to as the Grantor,

AND

Mark L. Shapiro

whose post office address is 47 W. Alabama Avenue., Beach Haven Park, NJ 08008

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

**Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of No Consideration. This deed is a requirement of municipal subdivision approval.

**Tax Map Reference.** (N.J.S.A.46:15-2.1) Long Beach Township  
Block No. 11.28 Lot(s) No. 1.29 Account No.

☐ No property tax identification number is available on the date of this deed. (Check box if applicable)

**Property.** The property consists of the land and all the buildings and structures on the land in the Township of Long Beach, County of Ocean in the state of New Jersey. The legal description is: Attached to and made a part of this deed.

Being a portion of the same premises conveyed to Mark L. Shapiro by deed from Mark L. Shapiro and Diane M. Shapiro dated March 28, 2000 and recorded in the Ocean County Clerk's Office on April 14, 2000 in deed book 10077 at page 1820.

This property was the subject of an application for subdivision and variance approval that was granted the Long Beach Township Land Use Board in resolution LUB 14-07 adopted on May 9, 2007. A copy of the resolution of memorialization is attached to this deed as schedule A.

As required by the approval, the grantor hereby agrees that Lot 1.29, Block 11.28 shall be used only for public access and that two properly anchored concrete benches will be placed on this lot together with planters and plants approved by the Township Engineer in order to satisfy the Board's landscaping requirements. This deed restriction shall be binding on the grantor and all who succeed to his interests and cannot be removed without the approval of the Long Beach Township Land Use Board.

⑨  
1/20. Cash

1-18-08  
DR

State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**  
(C.55, P.L. 2004)

**SELLER(S) INFORMATION (If Multiple Sellers, Each Seller Must Complete a Certification)**

Name(s): Mark L. Shapiro

Current Address: 47 W. Alabama Avenue

City, Town, State, Zip Code: Beach Haven Park, NJ 08008

**PROPERTY INFORMATION (Brief Property Description)**

Block and Lot: Block 11.28 Lot 1.29

Street Address: 47 W. Alabama Avenue

City, Town, State, Zip Code: Beach Haven Park, New Jersey 08008

Seller's Percentage of Ownership: 100% Consideration: \$ Closing Date:


**SELLER ASSURANCES (Check the Appropriate Box)**

1. ( ) I am a resident taxpayer (individual, estate or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ( ) The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the Federal Internal Revenue Code of 1986, 26 U.S.C.s. 121.
3. ( ) I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ( ) Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ( ) Seller is not an individual, an estate or a trust and, as such, is not required to make an estimated payment pursuant to N.J.S.A. 54A:1-1 et seq.
6. (x) The total consideration for the property is \$1,000 or less and, as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. ( ) The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale.
8. ( ) Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent(s) estate in accordance with the provisions of the decedent(s) will or the interstate laws of this state.

**SELLER(S) DECLARATION**

The undersigned understand that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

1-15-08  
Date

By   
Signature  
(Seller) Please indicate if Power of Attorney or Attorney in Fact  
Mark L. Shapiro

**HORN, TYSON & YODER, INC.**  
CONSULTING ENGINEERS  
SURVEYORS & PLANNERS

JOHN L. YODER III, P.E., P.P.  
WILLIAM Z. TYSON 1960-1987  
ECMONT HORN, EMERITUS

ROBERT G. DE BLOIS, P.L.S.  
JAMES D. BRZOZOWSKI, P.E.

EMAIL: HTYLSL@COMCAST.NET

CERTIFICATE OF AUTHORIZATION  
NEW JERSEY 24CA 27951700

8510 LONG BEACH BOULEVARD  
BEACH HAVEN CREST  
LONG BEACH TOWNSHIP, NJ 08008-3424

(609) 492-5050  
FAX: (609) 492-4163

**LEGAL DESCRIPTION**

November 14, 2007

Revised 1/11/08

**METES & BOUNDS DESCRIPTION**

New Lot 1.29, Block 11.28

Long Beach Township

Ocean County, New Jersey

Beginning at a concrete monument on the northerly line of Alabama Avenue, 50' wide, distant 995.19' on a course of South 59° 09' 30" East from the intersection of the westerly line of Long Beach Boulevard, 100' wide, and the northerly line of Alabama Avenue, continuing thence:

1. South 59° 09' 30" West along the northerly line of Alabama Avenue 42.95' to a point in the bulkhead, thence;
2. North 85° 09' 41" East along the mean high water line of Little Egg Harbor Bay 2.66' to a point in the bulkhead, thence;
3. North 26° 58' 24" West along the mean high water line of Little Egg Harbor Bay 2.05' to a point in the bulkhead, thence;
4. North 85° 09' 41" East along the mean high water line of Little Egg Harbor Bay 52.35' to a point in the bulkhead, thence;
5. South 30° 50' 30" West along the westerly line of Lot 1.03, Block 11.28, 33.18' to the point of beginning.

Containing: 760 SF (0.017 AC)

It being the intention to describe New Lot 1.29 on a map titled "Minor Subdivision, Lot 1.03, Block 11.28, Tax Map Sheet #14, Long Beach Township, Ocean County, New Jersey" a subdivision to be filed in the Ocean County Clerk's Office, prepared by Horn, Tyson & Yoder, Inc. Bearing a revision date of April 11, 2007.

**APPROVED**  
**LAND USE BOARD**

APPLICATION NO: LUB 14-07

**SCHEDULE A**

Date May 9, 2007

**LONG BEACH TOWNSHIP LAND USE BOARD**  
**RESOLUTION OF MEMORIALIZATION**

**WHEREAS**, application has been made to the Long Beach Township Land Use Board by MARK L. SHAPIRO, the owner of the lands and premises known and designated as Lot 1.03 in Block 11.28 on the Official Tax Map of Long Beach Township, which lands and premises are located on 47 West Alabama Avenue, Beach Haven Park, New Jersey, for Subdivision approval and bulk variances, so as to subdivide a triangular portion of the lot which fronts on Alabama Avenue on the South and Little Egg Harbor Bay to the North, to be designated as lot 1.29 having dimensions of 42.95 feet by 33.18 feet by 52.35 feet for a total area of 760 square feet; and

**WHEREAS**, the 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') feet of the property in question and notice of this application has been duly published in the Beach Haven Times, the official newspaper of the Township, all as required by law; and

**WHEREAS**, the Long Beach Township Land Use Board, after carefully considering the application, plans, exhibits and testimony presented by the applicants as well as the representations of their attorney, Reginald J. Raban, Esquire, at the hearing conducted on April 11, 2007, has made the following findings of fact:

- (1) The applicant is the owner of the above premises which has the dimensions of 272.95 feet in width by 226.70 feet in depth, and have a total lot area of 43,893 square feet;
- (2) The subject premises are currently improved by a single family dwelling and are located in the R50 Residential Zone;

(3) The applicant is seeking minor Subdivision Approval to permit the creation of two lots; proposed lot 1.03, an irregular lot, having a total lot area of 43,133 square feet and will contain the single family dwelling and proposed lot 1.29, an irregular lot, will have the approximate dimensions of 42.95 feet by 33.18 feet by 52.35 feet triangular for a total area of 760 square feet.

(4) The applicant requires the following bulk variances:

A) lot area since 6,000 square feet is required and 760 square feet is proposed;

B) lot width since 60 feet is required and 42.95 feet is proposed;

C) lot frontage since 60 feet is required and 42.95 feet is proposed;  
and

D) impervious coverage where 75% is the maximum permitted and 100% is proposed.

(5) The Board specifically holds that the variances requested can be granted without any detriment to the Zone Plan or the requirements to the Zoning Ordinances since the proposed new lot 1.29 will only be used to provide access to the Bay for the public.

(6) The applicant proposes to utilize lot 1.29 for the required public access for development on adjacent lot 1.05, block 11.28.

(7) The Board notes that proposed lot 1.29 will be Deed Restricted to be used only for public access and that two properly anchored concrete benches will be placed on the said lot together with planters and plants approved by the Board Engineer in order to satisfy the landscaping requirement.

(8) The Board finds that the interests of Long Beach Township are served and protected so long as public access is provided to the Bay Waters.

(9) The Board incorporates herein by reference the facts and information set forth in the plans prepared by Horn, Tyson & Yoder, PC, entitled, "Minor Subdivision Lot 1.03, Block 11.28 Tax Map Sheet #14 Long Beach Township, Ocean County, New Jersey," dated 1/10/2007 bearing no revision date.

**NOW THEREFORE, BE IT RESOLVED**, this 9th day of May, 2007, by the Long Beach Township Land Use Board that the application of MARK L. SHAPIRO for Minor Subdivision Approval and bulk variances be and the same is hereby granted in accordance with the application and plans submitted by the applicant, subject to the following conditions:

- (1) That the applicants obtain the following additional approvals:
  - a. Ocean County Planning Board;
  - b. Long Beach Township Tax Assessor, as to the proposed designation of the new lots established by this Subdivision approval; and
  - c. Such other outside agency as may be required.
- (2) That the applicants post any and all required performance bonds, as well as any and all inspection fees required by the Township Engineer, the Construction Code Official, Building Officer and/or as required by the Land Use Ordinances of the Township of Long Beach; the amount of the said bonds and inspection fees shall be determined by the Township Engineer and shall be in the forms approved by the Township Attorney;
- (3) That the applicants comply with all of the conditions required by the Township Engineer, as set forth in the Township Engineer's Report to the Board dated March 28, 2007 and all subsequent amendments thereto;
- (4) That proposed lot 1.29 be Deed Restricted so that the said lot can be utilized only for public access to the Bay and specifically limiting the types of improvements to be situated on the lot to two properly anchored concrete benches and planters and plants to provide landscaping.
- (5) That the applicant file a Deed specifically referencing this approval by Application number and date, specifically setting forth the above described Deed Restriction. The Deed is to be approved as to form by the attorney for the Long Beach Township Land Use Board, prior to recording and that a recorded copy of the said Deed be submitted to the Board for its records;
- (6) That if another government agency grants a waiver or variance of a regulation effecting this approval or of the conditions affecting same, this Board shall have the right to review that issue as it relates to this approval and these conditions and may modify or amend same;

(7) That the applicant either obtain approval of the Long Beach Township Governing Body to accept title to lot 1.29 for zero (\$0.00) consideration in order to provide the maintenance and upkeep for the said property or in the alternative, establish a homeowners association to provide for the continued maintenance and upkeep of the same.

(8) That the applicant construct a paver sidewalk along Alabama Avenue to connect New Lot 1.29 to the proposed development on Lot 1.05 in Block 11.28.

(9) That all Codes and Ordinances be complied with, other than as varied herein.

This Resolution is intended to memorialize the action taken by the Long Beach Township Land Use Board of April 11, 2007.

Moved by: **GOVE**

Seconded by: **TERNYILA**

ROLL CALL VOTE:

Ayes: **KONNOR, LEONETTI, VANBUREN, WARD, GOVE AND TERNYILA**

Nays: **NONE**

Certified to be a true copy of a Resolution adopted at a Regular Meeting of the Land Use Board held on May 9, 2007.

Dated: May 9, 2007.

  
David G. Ward, Secretary

PUBLICATION DATE: **MAY 16, 2007**

**MUST SUBMIT IN DUPLICATE STATE OF NEW JERSEY**  
**RTF-1 (Rev. 2/19/2007) AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER**  
(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006)  
To be recorded with deed pursuant to Chapter 49, P.L. 1968, as amended by Chapter 308, P.L. 1991 (N.J.S.A. 46:15-5 et seq.)  
**BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.**

STATE OF NEW JERSEY  
COUNTY OCEAN JSS. County Municipal Code 1518  
MUNICIPALITY TOWNSHIP OF LONG BEACH  
Consideration \$ None  
RTF paid by seller \$ None  
Date 1-15-08 By DC exempt  
\*Use symbol "C" to indicate that fee is exclusively for county use.

**(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4)**

Deponent, MARK L. SHAPIRO, being duly sworn according to law upon his/her oath, deposes and says that he/she is the MANAGING MEMBER OF GRANTOR in a deed dated January 15, 2008, transferring real property identified as Block number 1128 Lot numbers 129 located at 47 W. ALABAMA AVENUE, BEACH HAVEN PARK, NJ 08008, COUNTY OF OCEAN AND STATE OF NEW JERSEY and annexed thereto.

**(2) CONSIDERATION \$0.00 (See Instructions #1 and #5)**

**(3) Property transferred is Class 4A 4B 4C. (circle one) If Class 4A, calculation in Section 3A is required.**

**(3A) REQUIRED CALCULATION OF EQUALIZED ASSESSED VALUATION FOR ALL CLASS 4A COMMERCIAL PROPERTY TRANSACTIONS: (See Instructions #5a and 7)**

Total Assessed Valuation + Director's Ratio = Equalized Valuation

\$ \_\_\_\_\_ + \_\_\_\_\_ % = \$ \_\_\_\_\_

If equalized value is in excess of \$1,000,000, the 1% fee is imposed on buyer an entire amount of consideration. If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized value.

**(4) FULL EXEMPTION FROM FEE (See Instruction #8)**

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail. CONSIDERATION IS LESS THAN \$100.00

**(5) PARTIAL EXEMPTION FROM FEE (See Instruction #9)**

Note: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption.

Deponent claims that this deed transaction is exempt from State portions of the Basic Fee, Supplemental Fee, and General Purpose Fee, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004 and C. 66, P.L. 2004 for the following reason(s):

A. SENIOR CITIZEN Grantor(s) ☐ 62 years of age or over.\* (See Instruction #9 for A or B)  
B. BLIND PERSON Grantor(s) ☐ legally blind or,\*  
DISABLED PERSON Grantor(s) ☐ permanently and totally disabled ☐ Receiving disability payments  
☐ Not gainfully employed\*

Senior citizens, blind or disabled persons must also meet all of the following criteria:

☐ Owned and occupied by grantor(s) at time of sale ☐ Resident of the State of New Jersey  
☐ One or two-family residential premises ☐ Owners as joint tenants must all qualify

\*IN THE CASE OF HUSBAND AND WIFE, ONLY ONE GRANTOR NEEDS TO QUALIFY IF OWNED AS TENANTS BY THE ENTIRETY.

**C. LOW AND MODERATE INCOME HOUSING (See Instruction #9)**

☐ Affordable according to H.U.D. standards ☐ Reserved for occupancy  
☐ Meets income requirements of region ☐ Subject to resale controls

**(6) NEW CONSTRUCTION (See Instructions #2, #10 and #12)**

☐ Entirely new improvement ☐ Not previously occupied  
☐ Not previously used for any purpose ☐ "NEW CONSTRUCTION" printed clearly at the top of the first page of the deed

Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 15 day of January, 2008

Reginald J. Raban  
REGINALD J. RABAN  
ATTORNEY AT LAW  
OF NEW JERSEY

Signature of Deponent  
47 W. Alabama Avenue  
Beach Haven Park, NJ 08008  
Deponent Address

xxx-xxx-1244  
Last 3 digits in Grantor's  
Social Security Number

Mark L. Shapiro  
Grantor Name  
47 W. Alabama Avenue  
Beach Haven Park, NJ 08008  
Grantor Address at Time of Sale

Reginald J. Raban  
Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY  
Instrument Number \_\_\_\_\_ County Ocean  
Deed Number \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_  
Deed Dated 1-15-08, Date Recorded 1-15-08

County Recording Officers shall forward one copy of each Affidavit of Consideration for Use by Seller when Section 2A is completed.

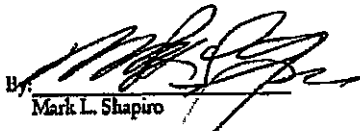
STATE OF NEW JERSEY - DIVISION OF TAXATION  
PO BOX 251  
TRENTON, NJ 08695-0251  
ATTENTION: REALTY TRANSFER FEE UNIT

**Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgement to be entered against the Grantor).

**Signatures.** This Deed is signed and attested to by the Grantor as of the date at the top of the first page.

Witnessed by:

  
Reginald J. Raban

By:   
Mark L. Shapiro

STATE OF NEW JERSEY, COUNTY OF                      SS.:

I CERTIFY that on January 15, 2008

Mark L. Shapiro,

personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as his or her act and deed; and
- (c) made this Deed for: \$ 0

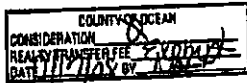
as the full and actual consideration paid or to be paid for the transfer of title.  
(Such consideration is defined in N.J.S.A. 46:15-5)

  
REGINALD J. RABAN  
ATTORNEY AT LAW

RECORD AND RETURN TO:

REGINALD J. RABAN  
Attorney at Law  
11710 Long Beach Boulevard  
Haven Beach, NJ 08008-6263

# 2840Shapiro



INSTR # 2008078387  
OR BK 14067 PG 1648  
RECORDED 07/17/2008 01:21:19 PM  
CARL W. BLOCK, COUNTY CLERK  
OCEAN COUNTY, NEW JERSEY

# Deed

Prepared by:

REGINALD J. RABAN  
Attorney at Law of New Jersey

This Deed is made on <sup>July</sup>~~June~~ 11, 2008

BETWEEN Herbert L. Shapiro, married; Susan S. Barash and Lawrence Abramson, solely in their capacity as trustees of the Susan Shapiro Barash 2005 Trust u/a/d May 31, 2005; and Mark L. Shapiro and Lawrence Abramson, solely in their capacity as trustees of the Mark L. Shapiro 2005 Trust u/a/d May 31, 2005,

whose address is 47 West Alabama Avenue, Beach Haven Park, NJ 08008

referred to as the Grantor,

AND

Herbert L. Shapiro, married; Susan S. Barash and Lawrence Abramson, solely in their capacity as trustees of the Susan Shapiro Barash 2005 Trust u/a/d May 31, 2005; and Mark L. Shapiro and Lawrence Abramson, solely in their capacity as trustees of the Mark L. Shapiro 2005 Trust u/a/d May 31, 2005

whose post office address is 47 West Alabama Avenue, Beach Haven Park, NJ 08008

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

**Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of No Consideration. This deed is a requirement of municipal subdivision approval.

**Tax Map Reference.** (N.J.S.A.46:15-2.1) Long Beach Township  
Block No. 11.28 Lot(s) No 1.05 Township of Long Beach.

☐ No property tax identification number is available on the date of this deed. (Check box if applicable)

**Property.** The property consists of the land and all improvements in the Township of Long Beach, County of Ocean in the state of New Jersey. The legal description is: See legal description attached to this deed as Exhibit A.

Being a portion of the same premises conveyed to Herbert L. Shapiro by deed from Shapiro Realty Company, Inc., dated April 25, 1980 and recorded in the Ocean County Clerk's Office on April 28, 1980 in deed book 3913 at page 644; and being the same premises conveyed to Susan S. Barash and Lawrence Abramson, solely in their capacity as trustees of the Susan Shapiro Barash 2005 Trust u/a/d May 31, 2005, as to a 40.3257% undivided tenants-in-common interest, by deed from Herbert L. Shapiro, married, dated June 29, 2005 and recorded in the Ocean County Clerk's Office on October 14, 2005 in deed book 12863 at page 1953; and being the same premises conveyed to Mark L. Shapiro and Lawrence Abramson, solely in their capacity as trustees of the Mark L. Shapiro 2005 Trust u/a/d May 31, 2005, as to a 40.3257% undivided tenants-in-common interest, by deed from Herbert L. Shapiro, married, dated June 29, 2005 and recorded in the Ocean County Clerk's Office on October 14, 2005 in deed book 12863 at page 1957.

(21)  
\$240 cash

## EXHIBIT A

### Legal Description

All that certain real property located in Long Beach Township, Ocean County, New Jersey, described as follows:

Beginning at a point at the intersection of the northerly line of Alabama Avenue, 50' wide, and the westerly line of Long Beach Boulevard, 100' wide, thence:

1. North 59° 09' 30" West along the northerly line Alabama Avenue, 50' wide, 766.19' to a point, thence;
2. North 39° 51' 17" East along the division line between Lot 1.03 and Lot 1.05, 226.70' to a point, thence;
3. North 50° 08' 43" West along the division line between Lot 1.03 and Lot 1.05, 19.57' to a point, thence;
4. North 30° 50' 30" East along the division line between Lot 1.01 and Lot 1.05, 143.03' to a point, thence;
5. South 59° 09' 30" East along the southerly line of Jerome Avenue, 50' wide, 750.00' to a point being the intersection of the southerly line of Jerome Avenue and the westerly line of Long Beach Boulevard, thence;
6. South 30° 50' 30" West along the westerly line of Long Beach Boulevard 370.00' to the point of beginning.

It being the intention to describe Lot 1.05, Block 11.28 on a map titled "Preliminary/Final Major Subdivision, Lots 1.01, 1.02, 1.03 & 1.04, Block 11.28, Tax Map Sheet #14, Long Beach Township, Ocean County, New Jersey" a subdivision prepared by Horn, Tyson & Yoder, Inc., filed in the Ocean County Clerk's Office on April 1, 1992 and recorded as Filed Map G-2412.

**APPROVED**

**LAND USE BOARD**

Date March 2, 2006

**EXHIBIT 1**

APPLICATION NO. LUB 38-05P

**LONG BEACH TOWNSHIP LAND USE BOARD**  
**RESOLUTION OF MEMORIALIZATION**

WHEREAS, application has been made to the Long Beach Township Land Use Board by MARK L. SHAPIRO, TRUSTEE OF THE MARK L. SHAPIRO 2005 TRUST AND SUSAN S. BARASH, TRUSTEE OF THE SUSAN SHAPIRO BARASH 2005 TRUST AND HERBERT SHAPIRO, the owners of the lands and premises known and designated as Lot 1.05 in Block 11.28 on the Official Tax Map of Long Beach Township, which premises are located at West Side of Long Beach Boulevard between Jerome and Alabama Avenues, Beach Haven Park, New Jersey, for preliminary major subdivision approval and special reasons variance approval to permit the subdivision of the parcel to create 35 single family residential building lots, 1 lot for the existing office use and 1 lot for the existing tennis court; and

WHEREAS, the 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') feet of the property in question and notice of this application has been duly published in the Beach Haven Times, the official newspaper of the Township, all as required by law; and

WHEREAS, the Long Beach Township Land Use Board, after carefully considering the application, plans, exhibits and testimony presented by the applicants, as well as the representations of the applicants' attorney, Reginald J. Raban, Esquire, at the hearing conducted on February 2, 2006, has made the following findings of fact:

- (1) The applicant is the owner of the above described premises, an irregular lot, having the dimensions of 370 feet in width by 750 feet in length, for a total lot area of 277,116 square feet;
- (2) The premises are located between Jerome and Alabama Avenue, Beach Haven Park, New Jersey and are in the R-50 Residential Zone.
- (3) The premises are currently improved by an office use on the site, a tennis court, and the balance of the parcel is a vacant tract;
- (4) The Board incorporates herein by reference the plans prepared by Horn, Tyson & Yoder, Inc. entitled, "Preliminary Plat Major Subdivision Lot 1.05 Block 11.28 Tax Map Sheet #14 Long Beach Township Ocean County, New Jersey" dated 6/28/2005, bearing the latest revision date of 12/12/2005;
- (5) The Board accepts the reports of its Engineer, Frank Little, dated January 25, 2006, and hereby incorporates same herein by reference;

(6) The applicant proposes to subdivide the tract into 35 residential building lots each conforming with the zoning requirements of Long Beach Township;

(7) The applicant proposes to retain the pre existing non conforming office use on the site (at proposed new lot 1.15) and the existing tennis court (at proposed lot 1.28);

(8) The existing office use, which is to be limited to the proposed new lot 1.15, is a pre-existing non conforming use and the Board granted a Special Reasons Variance to retain this use during the prior application before the Land Use Board and memorialized in Resolution LUB 34-02T which is incorporated herein and made a part hereof;

(9) The Board notes that the Applicant modified the plans to eliminate the cul-de-sac and instead provide a second means of egress to the development;

(10) The Board notes, however, that in the newly developed subdivision, the Tennis Court should not remain as a separate lot, but instead should either be eliminated in its entirety or combined with one of the proposed residential lots; consequently, at the time of the Final Subdivision Approval the Applicant must provide for the demolition of the tennis courts or the consolidation of proposed lot 1.28 with any of the adjoining lots so as to eliminate the nonconforming use;

(11) The Board specifically finds that no Bulk Variances are needed as to the frontage requirements for the lots fronting on the curved roadway which lots are hereby deemed to be conforming;

(12) The Board finds that to insure public access to the bayfront, the public areas shall be hardscaped with pavers and/or concrete and the Applicant shall install an anchored concrete bench in the bayfront area and Public Access Signs in all public areas; and

(13) The Board accepts the testimony of Paul Vereb, of the Long Beach Township Police Department, and will require that alternate side street parking be installed in the area and that no parking at all be permitted on the curved street area.;

**NOW THEREFORE, BE IT RESOLVED**, this 2nd day of March, 2006, by the Long Beach Township Land Use Board that:

1. The application of MARK L. SHAPIRO, TRUSTEE OF THE MARK L. SHAPIRO 2005 TRUST AND SUSAN S. BARASH, TRUSTEE OF THE SUSAN SHAPIRO BARASH 2005 TRUST AND HERBERT SHAPIRO, for Preliminary Major Subdivision to establish 36 single family residential lots, 1

commercial lot containing the existing office be and is hereby granted in accordance with the plans prepared by Horn, Tyson & Yoder, Inc., entitled, "Preliminary Plat Major Subdivision Lot 1.05 Block 11.28 Tax Map Sheet #14 Long Beach Township Ocean County, New Jersey" dated 6/28/2005, bearing the latest revision date of 12/12/2005;

2. The applicant comply with all requirements of the Long Beach Township Engineer, as set forth in the Township Engineer's Report dated January 25, 2006, and such further requirements that the Long Beach Township Engineer may require during the course of construction;

3. The applicant record a Deed referring to this approval by application number and date.

4. Any Deeds or other documents required by these conditions be approved in advance of recording in the Ocean County Clerk's Office by the attorney for the Long Beach Township Land Use Board and the Township Engineer and proof of recording with the County Clerk shall be filed with this Board;

5. The Board specifically finds that no bulk variances are needed for the lot frontage requirements for any of the lots fronting on the curve and the said lots are hereby deemed conforming;

6. The applicant shall install pavers and/or concrete in all public areas;

7. The applicant shall install Public Access Signs and in all public areas;

8. The applicant shall install a concrete, anchored bench along the public bayfront area;

9. The applicant provide a fully detailed Landscape Plan to the Board during the application for final approval;

10. There be no parking at all along the curved roadway and that the remaining areas be subject to alternate side street parking.

11. The applicant shall install curbs and sidewalks in accordance with the requirements of the Township Engineer along all streets;

12. That at the time of the Final Subdivision Approval, the applicant shall either agree to demolish the tennis court and post all necessary bonds to insure its demise, or agree to consolidate lot 1.28 (which contains the tennis court) by deed with an adjoining lot;

13. The applicant obtain the following approvals:

- a. Ocean County Planning Board;
- b. Long Beach Township Tax Assessor;
- c. Long Beach Island Soil Conservation District;
- d. DEP/CAFRA;
- f. Long Beach Township Sewer Authority; and
- e. Such other outside agency approval, as may be required;

14. If another governmental agency grants a waiver or variance of a regulation effecting this approval of the conditions attached to it, then this Board shall have the right to review that issue, as it relates to this approval and these conditions, and may modify or amend the same;

15. The applicant post any and all required performance bonds and/or maintenance guarantees, as well as any and all inspection fees required by the Township Engineer, the Construction Code Official, the Building Officer and/or as required by the Land Use Ordinances of the Township of Long Beach; the amounts of the said bonds and inspection fees shall be determined by the Township Engineer and shall be in the forms approved by the Township Attorney;

16. All Codes and Ordinances be complied with, other than as varied herein.

This Resolution is intended to memorialize the action taken by the Long Beach Township Land Use Board of February 2, 2006.

Moved by: MORAN

Seconded by: LEONETTI

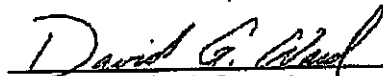
ROLL CALL VOTE:

Ayes: ALTMAN, LEONETTI, SOUTHWICK, VANBUREN, WARD, MORAN AND  
TERNYILA

Nays: NONE

Certified to be a true copy of a Resolution adopted at a regularly scheduled meeting of the Land Use Board held on March 2, 2006

DATED: March 2, 2006

  
David G. Ward, Secretary

PUBLICATION DATE: MARCH 8, 2006

**APPROVED**  
**LAND USE BOARD**

**EXHIBIT 2** APPLICATION NO. LUB 38-05PF

Date

May 9, 2007

**LONG BEACH TOWNSHIP LAND USE BOARD**  
**RESOLUTION OF MEMORIALIZATION**

**WHEREAS**, application has been made to the Long Beach Township Land Use Board by MARK L. SHAPIRO, TRUSTEE OF THE MARK L. SHAPIRO 2005 TRUST AND SUSAN S. BARASH, TRUSTEE OF THE SUSAN SHAPIRO BARASH 2005 TRUST, the owners of the lands and premises known and designated as Lots 1.01 & 1.05 in Block 11.28 on the Official Tax Map of Long Beach Township, which premises are located at West Side of Long Beach Boulevard between Jerome and Alabama Avenues, Beach Haven Park, New Jersey, for final major subdivision approval to permit the subdivision of the tract into 35 single family residential building lots, 1 lot to contain the existing offices for which a special reasons variance was previously granted and 1 lot which has a tennis court which will be consolidated with lot 1.01 in block 11.28; and

**WHEREAS**, the Long Beach Township Land Use Board, after carefully considering the application, plans, exhibits and testimony presented by the applicants, as well as the representations of the applicants' attorney, Reginald J. Raban, Esquire, at the hearing conducted on April 11, 2007, has made the following findings of fact:

(1) The applicants are the owners of the above described premises, an irregular lot, having the dimensions of 370 feet in width by 750 feet in length, for a total lot area of 277,116 square feet;

(2) The premises are located between Jerome and Alabama Avenue, Beach Haven Park, New Jersey and are in the R-50 Residential Zone.

(3) The premises are currently improved by an office use on the site, a tennis court, and the balance of the parcel is a vacant tract;

(4) The Board incorporates herein by reference the plans prepared by Horn, Tyson & Yoder, Inc. entitled, "Final Plat Major Subdivision Lots 1.01 & 1.05 Block 11.28 Long Beach Township Ocean County, New Jersey" dated 6/28/2005, bearing the latest revision date of 11/21/2006;

(5) The Board accepts the reports of its Engineer, Frank Little, Jr. dated March 29, 2007, and hereby incorporates same herein by reference;

(6) On February 2, 2006, the Land Use Board granted the applicants preliminary major subdivision approval as to lot 1.05 in block 11.28 to create 35 single family residential building lots plus 1 lot for the existing office use for which a special reasons variance was granted LUB34-02T and 1 lot for the existing tennis court. The Board action was memorialized by Resolution LUB 38-05P on March 2, 2006.

(7) The preliminary approval required that the tennis court be demolished or the proposed lot containing the tennis court be merged at the time of the final approval with an adjoining residential lot to eliminate the nonconformity.

(8) The applicants propose the merge lot 1.28 with existing lot 1.01 which is currently improved by a single family dwelling by means of a Deed consolidation.

(9) The preliminary approval also required a public access to the Bayfront which access area is to be the hardscaped with pavers and requiring the applicant to install anchored concrete benches. The Board finds that the applicant has satisfied this condition by means of the minor subdivision approval obtained which established lot 1.29 in block 11.28 to establish the said public access pursuant to LUB 14-07.

(10) The Board specifically finds that the applicants have complied with the requirements of the preliminary approval and the subdivision. In addition, the applicant has further complied with the requirements of the Long Beach Township Subdivision Ordinances and will promote public safety and welfare.

**NOW THEREFORE, BE IT RESOLVED**, this 9th day of May, 2007, by the Long Beach Township Land Use Board that the application of MARK L. SHAPIRO, TRUSTEE OF THE MARK L. SHAPIRO 2005 TRUST AND SUSAN S. BARASH, TRUSTEE OF THE SUSAN SHAPIRO BARASH 2005 TRUST, for Final Major Subdivision to establish 35 single family residential lots and 1 commercial lot containing the existing office and permitting the consolidation of the tennis court lot (designated as lot 1.28 at the time of the preliminary approval) with lot 1.01 block 11.28 to form new lot 1.28, be and is hereby granted in accordance with the plans prepared by Horn, Tyson & Yoder, Inc., entitled, "Final Plat Major Subdivision Lots 1.01 & 1.05 Block 11.28 Long Beach Township Ocean County, New Jersey" dated 6/28/2005, bearing the latest revision date of 11/21/2006;

1. That the applicants comply with all of the requirements of the preliminary approval except as varied herein;

2. The applicants comply with all requirements of the Long Beach Township Engineer, as set forth in the Township Engineer's Report dated March 29, 2007, and such further requirements that the Long Beach Township Engineer may require during the course of construction;

3. The applicant record a Deed of consolidate, consolidating lot 1.28 and lot 1.01 into one lot;

4. Any Deeds or other documents required by these conditions be approved in advance of recording in the Ocean County Clerk's Office by the attorney for the Long Beach Township Land Use Board and the Township Engineer and proof of recording with the County Clerk shall be filed with this Board;

5. The applicant comply with all requirements of the Long Beach Township Police Department, as set forth in Lt. Paul Vereb's report to the Board dated April 10, 2007;

6. The applicants shall install landscaping on the site of the type and in the location as directed by the Township Engineer;

7. The applicants shall install fire hydrants in accordance with NJ State codes and have the appropriate clearance from the center of each of the hydrants in accordance with the said fire codes;

8. The applicants obtain the following approvals:

- a. Ocean County Planning Board;
- b. Long Beach Township Tax Assessor;
- c. Long Beach Island Soil Conservation District;
- d. DEP/CAFRA;
- f. Long Beach Township Water & Sewer Department;  
and
- e. Such other outside agency approval, as may be required;

9. If another governmental agency grants a waiver or variance of a regulation effecting this approval of the conditions attached to it, then this Board shall have the right to review that issue, as it relates to this approval and these conditions, and may modify or amend the same;

10. The applicants post any and all required performance bonds and/or maintenance guarantees, as well as any and all inspection fees required by the Township Engineer, the Construction Code Official, the Building Officer and/or as required by the Land Use Ordinances of the Township of Long Beach; the amounts of the said bonds and inspection fees shall be determined by the

Township Engineer and shall be in the forms approved by the Township Attorney;

11. All Codes and Ordinances be complied with, other than as varied herein.

This Resolution is intended to memorialize the action taken by the Long Beach Township Land Use Board of April 11, 2007.

Moved by: VANBUREN

Seconded by: GOVE

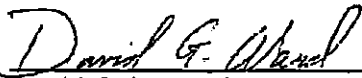
ROLL CALL VOTE:

Ayes: KONNOR, LEONETTI, VANBUREN, WARD, GOVE AND TERNYLA

Nays: NONE

Certified to be a true copy of a Resolution adopted at a regularly scheduled meeting of the Land Use Board held on May 9, 2007.

DATED: May 9, 2007.

  
\_\_\_\_\_  
David G. Ward, Secretary

PUBLICATION DATE: MAY 16, 2007

**MUST SUBMIT IN DUPLICATE STATE OF NEW JERSEY  
RTF-1 (Rev. 2/19/2007) AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER**

(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006)

To be recorded with deed pursuant to Chapter 49, P.L. 1968, as amended by Chapter 308, P.L. 1991 (N.J.S.A. 46:15-3 et seq.)  
BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

FOR RECORDER'S USE ONLY

COUNTY OCEAN JSS. County Municipal Code 1518

Consideration \$ 0  
RTF paid by seller \$ Exempt  
Date 7/7/08 By Pat

MUNICIPALITY TOWNSHIP OF LONG BEACH

\*Use symbol "C" to indicate that fee is exclusively for county use.

**(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4)**

Deponent, **REGINALD J. RABAN**, being duly sworn according to law upon his/her oath, deposes and says that he/she is the LEGAL REPRESENTATIVE in a deed dated JULY 11, 2008, transferring real property identified as Block number 11.28 Lot numbers 1.05 located at 9812 LONG BEACH BLVD. BEACH HAVEN PARK, NJ 08008, COUNTY OF OCEAN AND STATE OF NEW JERSEY and annexed thereto.

**(2) CONSIDERATION \$0.00 (See Instructions #1 and #5)**

(3) Property transferred is Class 4A 4B 4C. (circle one) If Class 4A, calculation in Section 3A is required.

**(3A) REQUIRED CALCULATION OF EQUALIZED ASSESSED VALUATION FOR ALL CLASS 4A**

**COMMERCIAL PROPERTY TRANSACTIONS: (See Instructions #5a and 7)**

Total Assessed Valuation + Director's Ratio = Equalized Valuation

\$ \_\_\_\_\_ + \_\_\_\_\_ % = \$ \_\_\_\_\_

If equalized value is in excess of \$1,000,000, the 1% fee is imposed on buyer on entire amount of consideration. If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized value.

**(4) FULL EXEMPTION FROM FEE (See Instruction #8)**

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail. **CONSIDERATION IS LESS THAN \$100.00**

**(5) PARTIAL EXEMPTION FROM FEE (See Instruction #9)**

Note: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption.

Deponent claims that this deed transaction is exempt from State portions of the Basic Fee, Supplemental Fee, and General Purpose Fee, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004 and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) ☐ 62 years of age or over.\* (See Instruction #9 for A or B)  
B. BLIND PERSON Grantor(s) ☐ legally blind or;  
DISABLED PERSON Grantor(s) ☐ permanently and totally disabled ☐ Receiving disability payments  
☐ Not gainfully employed\*

Senior citizens, blind or disabled persons must also meet all of the following criteria:

- ☐ Owned and occupied by grantor(s) at time of sale ☐ Resident of the State of New Jersey  
☐ One or two-family residential premises ☐ Owners as joint tenants must all qualify

\*IN THE CASE OF HUSBAND AND WIFE, ONLY ONE GRANTOR NEEDS TO QUALIFY IF OWNED AS TENANTS BY THE ENTIRETY.

**C. LOW AND MODERATE INCOME HOUSING (See Instruction #9)**

- ☐ Affordable according to H.U.D. standards ☐ Reserved for occupancy  
☐ Meets income requirements of region ☐ Subject to resale controls

**(6) NEW CONSTRUCTION (See Instructions #2, #10 and #12)**

- ☐ Entirely new improvement ☐ Not previously occupied  
☐ Not previously used for any purpose ☐ "NEW CONSTRUCTION" printed clearly at the top of the first page of the deed

Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 11 day of JULY, 2008

*Patricia J. Hadley*

**PATRICIA J. HADLEY**  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 12/6/2009

*Reginald J. Raban*  
Signature of Deponent  
11710 Long Beach Avenue  
Haven Beach, NJ 08008  
Deponent Address

XXX-XXX-226  
Last 3 digits in Grantor's  
Social Security Number

Herbert L. Shapiro, et al.  
Grantor Name  
47 W. Alabama Avenue  
Beach Haven Park, NJ 08008  
Grantor Address at Time of Sale

Reginald J. Raban  
Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY  
Instrument Number \_\_\_\_\_ County Ocean  
Deed Number \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_  
Deed Dated 7/7/08 Date Recorded 7/7/08

County Recording Officers shall forward one copy of each Affidavit of Consideration for Use by Seller when Section 2A is completed.

STATE OF NEW JERSEY - DIVISION OF TAXATION  
PO BOX 251  
TRENTON, NJ 08695-0251  
ATTENTION: REALTY TRANSFER FEE UNIT

State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**  
(C.55, P.L. 2004)

**SELLER(S) INFORMATION (If Multiple Sellers, Each Seller Must Complete a Certification)**

Name(s): Herbert L. Shapiro

Current Address: 2000 South Ocean Blvd., 204 S.

City, Town, State, Zip Code: Palm Beach, Florida 33480

**PROPERTY INFORMATION (Brief Property Description)**

Block and Lot: Block 11.28 Lot 1.05

Street Address: 9812 Long Beach Blvd.

City, Town, State, Zip Code: Beach Haven Park, New Jersey 08008

Seller's Percentage of Ownership: 19.3486% Consideration: \$ 0 Closing Date: N/A

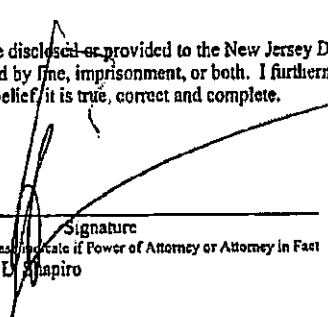
**SELLER ASSURANCES (Check the Appropriate Box)**

1. ( ) I am a resident taxpayer (individual, estate or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ( ) The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the Federal Internal Revenue Code of 1986, 26 U.S.C. 121.
3. ( ) I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ( ) Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ( ) Seller is not an individual, an estate or a trust and, as such, is not required to make an estimated payment pursuant to N.J.S.A. 54A:1-1 et seq.
6. (x) The total consideration for the property is \$1,000 or less and, as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. ( ) The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale.
8. ( ) Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent(s) estate in accordance with the provisions of the decedent(s) will or the interstate laws of this state.

**SELLER(S) DECLARATION**

The undersigned understand that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

7/8/08  
Date

By:   
Signature  
(Seller) Please indicate if Power of Attorney or Attorney in Fact  
Herbert L. Shapiro

State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**  
(C.55, P.L. 2004)

**SELLER(S) INFORMATION (If Multiple Sellers, Each Seller Must Complete a Certification)**

Name(s): Susan S. Barash, trustee of the Susan Shapiro Barash 2005 Trust w/d May 31, 2005

Current Address: 47 West Alabama Avenue

City, Town, State, Zip Code: Beach Haven Park, NJ 08008

**PROPERTY INFORMATION (Brief Property Description)**

Block and Lot: Block 1.28 Lot 1.05

Street Address: 9812 Long Beach Blvd.

City, Town, State, Zip Code: Beach Haven Park, New Jersey 08008

Seller's Percentage of Ownership: 40.3257% Consideration: \$ 0 Closing Date: N/A

**SELLER ASSURANCES (Check the Appropriate Box)**

1. ( ) I am a resident taxpayer (individual, estate or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ( ) The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the Federal Internal Revenue Code of 1986, 26 U.S.C.s. 121.
3. ( ) I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ( ) Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ( ) Seller is not an individual, an estate or a trust and, as such, is not required to make an estimated payment pursuant to N.J.S.A. 54A:1-1 et seq.
6. (x) The total consideration for the property is \$1,000 or less and, as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. ( ) The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale.
8. ( ) Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent(s) estate in accordance with the provisions of the decedent(s) will or the interstate laws of this state.

**SELLER(S) DECLARATION**

The undersigned understand that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

7/11/08  
Date

By: Susan S. Barash  
Signature  
(Seller) Please indicate if Power of Attorney or Attorney in Fact  
Susan S. Barash, trustee of the Susan Shapiro Barash  
2005 Trust w/d May 31, 2005

State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**  
(C.55, P.L. 2004)

**SELLER(S) INFORMATION (If Multiple Sellers, Each Seller Must Complete a Certification)**

Name(s): Lawrence Abramson, trustee of the Mark L. Shapiro 2005 Trust w/a/d May 31, 2005

Current Address: 47 West Alabama Avenue

City, Town, State, Zip Code: Beach Haven Park, NJ 08008

**PROPERTY INFORMATION (Brief Property Description)**

Block and Lot: Block 11.28 Lot 1.05

Street Address: 9812 Long Beach Blvd.

City, Town, State, Zip Code: Beach Haven Park, New Jersey 08008

Seller's Percentage of Ownership: 40.3257% Consideration: \$ 0 Closing Date: N/A

**SELLER ASSURANCES (Check the Appropriate Box)**

1. ( ) I am a resident taxpayer (individual, estate or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ( ) The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the Federal Internal Revenue Code of 1986, 26 U.S.C.s. 121.
3. ( ) I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ( ) Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ( ) Seller is not an individual, an estate or a trust and, as such, is not required to make an estimated payment pursuant to N.J.S.A. 54A:1-1 et seq.
6. (x) The total consideration for the property is \$1,000 or less and, as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. ( ) The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale.
8. ( ) Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent(s) estate in accordance with the provisions of the decedent(s) will or the interstate laws of this state.

**SELLER(S) DECLARATION**

The undersigned understand that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

7/2/08  
Date

By: Lawrence Abramson  
Signature  
(Seller) Please indicate if Power of Attorney or Attorney in Fact  
Lawrence Abramson, trustee of the Mark L. Shapiro  
2005 Trust w/a/d May 31, 2005

State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**  
(C.55, P.L. 2004)

**SELLER(S) INFORMATION (If Multiple Sellers, Each Seller Must Complete a Certification)**

Name(s): Lawrence Abramson, trustee of the Susan Shapiro Barash 2005 Trust w/d May 31, 2005

Current Address: 47 West Alabama Avenue

City, Town, State, Zip Code: Beach Haven Park, NJ 08008

**PROPERTY INFORMATION (Brief Property Description)**

Block and Lot: Block 11.28 Lot 1.05

Street Address: 47 West Alabama Avenue

City, Town, State, Zip Code: Beach Haven Park, New Jersey 08008

Seller's Percentage of Ownership: Lot 1.01 0% Consideration \$ 0 Closing Date: N/A  
Lot 1.28 40.3257%

**SELLER ASSURANCES (Check the Appropriate Box)**

1. ( ) I am a resident taxpayer (individual, estate or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ( ) The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the Federal Internal Revenue Code of 1986, 26 U.S.C.s. 121.
3. ( ) I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ( ) Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ( ) Seller is not an individual, an estate or a trust and, as such, is not required to make an estimated payment pursuant to N.J.S.A. 54A:1-1 et seq.
6. ( x ) The total consideration for the property is \$1,000 or less and, as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. ( ) The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale.
8. ( ) Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent(s) estate in accordance with the provisions of the decedent(s) will or the interstate laws of this state.

**SELLER(S) DECLARATION**

The undersigned understand that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

7/2/08  
Date

By: Lawrence Abramson  
Signature  
(Seller) Please indicate if Power of Attorney or Attorney in Fact  
Lawrence Abramson, trustee of the Susan Shapiro Barash  
2005 Trust w/d May 31, 2005

State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**  
(C.55, P.L. 2004)

**SELLER(S) INFORMATION (If Multiple Sellers, Each Seller Must Complete a Certification)**

Name(s): Mark L. Shapiro, trustee of the Mark L. Shapiro Trust w/a/d May 31, 2005

Current Address: 47 West Alabama Avenue

City, Town, State, Zip Code: Beach Haven Park, NJ 08008

**PROPERTY INFORMATION (Brief Property Description)**

Block and Lot: Block 11.28 Lot 1.05

Street Address: 9812 Long Beach Blvd.

City, Town, State, Zip Code: Beach Haven Park, New Jersey 08008

Seller's Percentage of Ownership: 40.3257% Consideration: \$ 0 Closing Date: N/A


**SELLER ASSURANCES (Check the Appropriate Box)**

1. ( ) I am a resident taxpayer (individual, estate or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ( ) The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the Federal Internal Revenue Code of 1986, 26 U.S.C.s. 121.
3. ( ) I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ( ) Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ( ) Seller is not an individual, an estate or a trust and, as such, is not required to make an estimated payment pursuant to N.J.S.A. 54A:3-1 et seq.
6. (x) The total consideration for the property is \$1,000 or less and, as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1 et seq.
7. ( ) The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale.
8. ( ) Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent(s) estate in accordance with the provisions of the decedent(s) will or the interstate laws of this state.

**SELLER(S) DECLARATION**

The undersigned understand that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

7/9/08  
Date

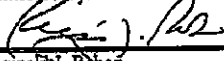
By   
Signature  
(Seller) Please indicate if Power of Attorney or Attorney in Fact  
Mark L. Shapiro, trustee of the Mark L. Shapiro Trust  
w/a/d May 31, 2005

This property was the subject of an application for preliminary major subdivision approval and a special reasons variance to the Long Beach Township Land Use Board under application # LUB 38-05P, which was approved in a resolution of memorialization adopted by the board on March 2, 2006. A copy of which is attached to this deed as Exhibit 1; and this property was the subject of an application to the Long Beach Township Land Use Board under application # LUB-38-05PF for final subdivision approval, which was approved in a resolution of memorialization adopted by the board on May 9, 2007, a copy of which is attached to this deed as Exhibit 2. As required as a condition of subdivision approval, a deed is being recorded consolidating proposed Lot 1.28 and existing Lot 1.01 in Block 11.28 on the Long Beach Township tax map into one lot.

**Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgement to be entered against the Grantor).


**Signatures.** This Deed is signed and attested to by the Grantor as of the date at the top of the first page.

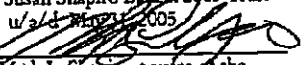
Witnessed By:

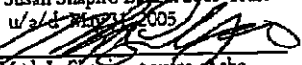
  
Reginald J. Raban

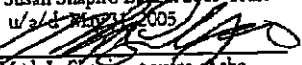
By:

  
Herbert L. Shapiro

  
Susan S. Barash, trustee of the  
Susan Shapiro Barash 2005 Trust  
u/a/d May 31, 2005

  
Lawrence Abramson, trustee of the  
Susan Shapiro Barash 2005 Trust  
u/a/d May 31, 2005

  
Mark L. Shapiro, trustee of the  
Mark L. Shapiro Trust  
u/a/d May 31, 2005

  
Lawrence Abramson, trustee of the  
Mark L. Shapiro 2005 Trust  
u/a/d May 31, 2005

STATE OF NEW JERSEY, COUNTY OF                      SS:


I CERTIFY that on July 8, 2008

Herbert L. Shapiro,

personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as his or her act and deed; and
- (c) made this Deed for: \$0

as the full and actual consideration paid or to be paid for the transfer of title.  
(Such consideration is defined in N.J.S.A. 46:15-5)

  
REGINALD J. RABAN  
ATTORNEY AT LAW  
OF NEW JERSEY

RECORD AND RETURN TO:  
REGINALD J. RABAN  
Attorney at Law  
11710 Long Beach Boulevard  
Haven Beach, NJ 08008-6263

# 2763Shapiro

This property was the subject of an application for preliminary major subdivision approval and a special reasons variance to the Long Beach Township Land Use Board under application # LUB 38-05P, which was approved in a resolution of memorialization adopted by the board on March 2, 2006. A copy of which is attached to this deed as Exhibit 1; and this property was the subject of an application to the Long Beach Township Land Use Board under application # LUB-38-05PF for final subdivision approval, which was approved in a resolution of memorialization adopted by the board on May 9, 2007, a copy of which is attached to this deed as Exhibit 2. As required as a condition of subdivision approval, a deed is being recorded consolidating proposed Lot 1.28 and existing Lot 1.01 in Block 11.28 on the Long Beach Township tax map into one lot.

**Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgement to be entered against the Grantor).

**Signatures.** This Deed is signed and attested to by the Grantor as of the date at the top of the first page.

Witnessed by:

Reginald J. Raban

By:

Herbert L. Shapiro

Susan S. Barash, trustee of the  
Susan Shapiro Barash 2005 Trust  
w/a/d May 31, 2005

Lawrence Abramson, trustee of the  
Susan Shapiro Barash 2005 Trust  
w/a/d May 31, 2005

Mark L. Shapiro, trustee of the  
Mark L. Shapiro Trust  
w/a/d May 31, 2005

Lawrence Abramson, trustee of the  
Mark L. Shapiro 2005 Trust  
w/a/d May 31, 2005

STATE OF NEW JERSEY, COUNTY OF SS.:

I CERTIFY that on 2008

Herbert L. Shapiro,

personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as his or her act and deed; and
- (c) made this Deed for \$0

as the full and actual consideration paid or to be paid for the transfer of title.  
(Such consideration is defined in N.J.S.A. 46:15-5)

REGINALD J. RABAN  
ATTORNEY AT LAW  
OF NEW JERSEY

RECORD AND RETURN TO:  
REGINALD J. RABAN  
Attorney at Law  
11710 Long Beach Boulevard  
Haven Beach, NJ 08008-6263

# 2763Shapiro

STATE OF NEW JERSEY, COUNTY OF Ocean:

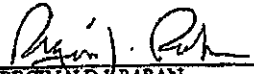
I CERTIFY that on July 11, 2008

Susan S. Barash, trustee of the Susan Shapiro Barash 2005 Trust w/a/d May 31, 2005

personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as his or her act and deed; and
- (c) made this Deed for: \$0

as the full and actual consideration paid or to be paid for the transfer of title.  
(Such consideration is defined in N.J.S.A. 46:15-5)

  
REGINALD J. RABAN  
ATTORNEY AT LAW  
OF NEW JERSEY

RECORD AND RETURN TO:

REGINALD J. RABAN  
Attorney at Law  
11710 Long Beach Boulevard  
Haven Beach, NJ 08008-6263

# 2763Shapiro

STATE OF NEW JERSEY, COUNTY OF Ocean SS:

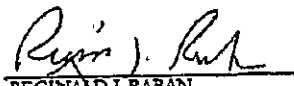
I CERTIFY that on July 9, 2008

Mark L. Shapiro, trustee of the Mark L. Shapiro Trust w/a/d May 31, 2005

personally came before me and acknowledged under oath, to my satisfaction, that this person ( or if more than one, each person):

- (a) is named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as his or her act and deed; and
- (c) made this Deed for: \$ 0

as the full and actual consideration paid or to be paid for the transfer of title.  
(Such consideration is defined in N.J.S.A. 46:15-5)

  
REGINALD J. RABAN  
ATTORNEY AT LAW  
OF NEW JERSEY

RECORD AND RETURN TO:

REGINALD J. RABAN  
Attorney at Law  
11710 Long Beach Boulevard  
Haven Beach, NJ 08008-6263

# 2763Shapiro

STATE OF FLORIDA, COUNTY OF *PAU 80447*  
SS:

I CERTIFY that on *July 3* 2008

Lawrence Abramson, trustee of the Susan Shapiro Barash 2005 Trust w/a/d May 31, 2005 and trustee of the Mark L. Shapiro 2005 Trust w/a/d May 31, 2005

personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as his or her act and deed; and
- (c) made this Deed for: \$0

as the full and actual consideration paid or to be paid for the transfer of title.  
(Such consideration is defined in N.J.S.A. 46:15-5)

*[Signature]*  
NOTARY PUBLIC

RECORD AND RETURN TO:

REGINALD J. RABAN  
Attorney at Law  
11710 Long Beach Boulevard  
Haven Beach, NJ 08008-6263

# 2763Shapiro



INSTR # 2008084807 DR BK 14087 PG 0092 08/17/2008 01:17:22 PM  
CARL W. BLOCK COUNTY CLERK, OCEAN COUNTY NEW JERSEY

Prepared By :

*Ronald J. Raban*

RONALD J. RABAN  
ATTORNEY AT LAW  
OF NEW JERSEY

### DECLARATION OF COVENANTS AND RESTRICTIONS FOR SOUNDS EDGE

M & M Developers, Inc., a New Jersey Corporation, (hereinafter referred to as "declarant") is the owner and developer of a tract of land located in the Township of Long Beach, Ocean County, New Jersey as shown on a map entitled "Final Construction Plans Major Subdivision Lots 1 and 1.01 & 1.05 Block 11.28, Tax Map Sheet #14, Long Beach Township, Ocean County, N.J." dated April 14, 2003 and duly filed in the Ocean County Clerk's Office at Toms River, New Jersey on August 5, 2008 as Map No. L-3671 (hereinafter referred to as "development").

For the purpose of enhancing and protecting the value, attractiveness and desirability of the development declarant hereby declares that all of the real property contained in the above described filed map except Lots 1.03 and New Lot 1.28 in Block 11.28 shall be held, sold and conveyed only subject to the following covenants and restrictions, which shall constitute covenants running with the land and shall be binding on all parties having any right, title or interest in the property or any part thereof, and shall be binding on all who succeed to their interest.

1. **DEVELOPER'S PLANNING COMMITTEE.** There is hereby established a planning committee consisting of Patrick S. Moeller, principal of M & M Developers, Inc. The committee shall have the power to waive any of these restrictions for any particular lot, where in the opinion of the committee, because of the size or location of a particular lot, it is necessary and desirable to do so and where, in the opinion of the committee, it is not injurious to the rights of other lot owners in the subdivision.

2. **SET BACKS.** No building or structure of any nature whatsoever shall be built, erected or maintained within any of the following setback areas:

a. **FRONT YARD.**

1. Lots fronting on Alabama Avenue, West Muriel Avenue and Jerome Avenue-within 20 feet of the street line.
2. Lots fronting on Long Beach Boulevard - within 20 feet of Long Beach Boulevard.

b. **REAR YARD.**

1. Lots fronting on Alabama Avenue, West Muriel Avenue and Jerome Avenue within 20 feet from the rear property lines.
2. Lots fronting on Long Beach Boulevard - within 20 feet of the rear property lines.

c. **SIDE YARD.**

1. Each principal building shall be provided with two side yards totaling 15 feet in width with the minimum width of one side yard being not less than 4 feet and further providing that there shall be at least 15 feet between two adjacent principal buildings.

3. **GENERAL PROVISIONS:**

- a. Not more than one dwelling unit used only as a single family residence shall be erected on any one lot and that dwelling unit shall be occupied by only one family.
- b. Dwelling units built on any lot in the development shall have a minimum floor area devoted exclusively to family quarters of 2,000 square feet.

*3 Car-Cover*

- c. No structure of any nature shall be erected upon any lot, adjacent to any lot or abutting any lot, except according to plans and specifications submitted to and approved by the Developer's Planning Committee, and no structure of any kind or description, as heretofore recited shall be altered or changed except according to plans and specifications approved by the Developer's Planning Committee, or by the Owners' Planning Committee, hereinafter described, if the Developer's Planning Committee no longer exists; provided, however, lots 1.06, 1.07, 1.24, 1.25, 1.26 and 1.27 in Block 11.28 shall be exempt from this requirement.
- d. No garage may be constructed that will house more than three automobiles.
- e. No business or trade of any description shall be conducted upon any portion of land in the development, unless approved by the Developer's Planning Committee or by the Owners' Planning Committee, hereinafter described, if the Developer's Planning Committee no longer exists.
- f. No nuisance of any description shall be maintained on the premises, or in the public street, adjacent to the premises.
- g. All trash, garbage or other refuse shall be kept at all times in covered containers supplied by the lot owner. An enclosed area screened by tight fencing or lattice screening for the purpose of holding a trash container may be permitted at the rear of a property.
- h. No sign boards or signs of any description including "for sale" signs or "for rent" signs may be used, except non-commercial signs of a decorative design with the name of the premises or the owner, inscribed thereon. Only signs approved by the Developer's or Owners' Planning Committee shall be permitted. Model homes erected by builders shall be exempt from this provision.

4. OWNER'S PLANNING COMMITTEE. There shall be established an Owners' Planning Committee which shall be a committee of five (5) lot owners, elected annually by written ballot, at a meeting called by M & M Developers, Inc. or its legal representative, at a place designated by M & M Developers, Inc. or its legal representative, at 10:00 AM local time, on the first Saturday of September of each year, by a vote of majority of lot owners of the development, each lot owner having one vote for each lot owned; a jointly owned lot shall be entitled to only one vote. The initial meeting to establish the Owners' Planning Committee shall be after September 4, 2009.

5. RIGHTS RESERVED. The Developer's Planning Committee or the Owners' Planning Committee shall have the right to grant at any time, to public or private utilities, the right and privilege to construct, use, operate and maintain wires, poles, pipes and facilities above, in, under and across streets and highways of the development.

6. ENFORCEMENT. The Developer's Planning Committee, the Owners' Planning Committee or any lot owner shall have the right to enforce, by any proceedings at law or in equity, all covenants and restrictions imposed by the provisions of this declaration. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

7. DURATION. The covenants and restrictions of this declaration shall run with the land, and shall inure to the benefit of and be enforceable by the individual owners of the development lots for a period of 20 years from the date of this declaration and shall be automatically extended for additional periods of 20 years unless otherwise agreed to in writing by the then owners of at least three quarters of the subdivision lots.

Dated: August 6, 2008

M & M Developers, Inc.


By   
Patrick S. Moeller, President

STATE OF NEW JERSEY  
COUNTY OF OCEAN

SS.

I certify that on August 6, 2008, Patrick S. Moeller, personally  
came before me and stated to my satisfaction that this person (or if more than one, person):

- (a) was the maker of the attached instrument
- (b) was authorized to and did execute this instrument as President of M & M  
Developers, Inc., the entity named in this instrument;
- (c) executed this instrument as the act of the entity.

  
Notary Public  
REGINALD J. RABAN  
ATTORNEY AT LAW  
OF NEW JERSEY

Record & Return To:  
REGINALD J. RABAN, ESQUIRE  
11710 Long Beach Blvd  
Haven Beach, NJ 08008  
T-6327 Moeller

Long Beach Township Land Use Board

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

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

I, Mark L. Shapiro 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 47 Alabama Ave.  
(Street Address)  
Beach Haven Park, Ocean County, New Jersey known as :

Block	<u>11.28</u>	Lot	<u>1.03 &amp; 1.04</u>
Block	_____	Lot	_____
Block	_____	Lot	_____

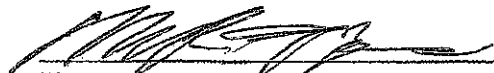
As shown on the Official Tax Maps of the Township of Long Beach.

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: 1/12/23

  
Signature of Owner

Mark L. Shapiro  
Print Name above

Sworn and Subscribed to before me  
this 12 day of Aug., 2023.



Notary Public  
DENISE LAWLOR-HAMOUDA  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 5/12/2023

Signature of Owner

Print name above

Long Beach Township Land Use Board

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

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

I, Mark L. Shapiro 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 34 W. Muriel Ave.,  
(Street Address)  
Beach Haven Park, Ocean County, New Jersey known as :

Block <u>11.28</u>	Lot <u>1.24</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: 1/12/23

[Signature]  
Signature of Owner

Mark L. Shapiro  
Print Name above

Sworn and Subscribed to before me  
this 12 day of January, 2023.

[Signature]  
Notary Public

DENISE LAWLOR-HAMOUDA  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 5/15/2023

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

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

Long Beach Township Land Use Board

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

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

I, Mark L. Shapiro, Trustee of the Mark L. Shapiro 2005 Trust, 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 38 W. Muriel Ave.,  
(Street Address)  
Beach Haven Park, Ocean County, New Jersey known as :

Block	<u>11.28</u>	Lot	<u>1.25</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: 1/12/23

[Signature]  
Signature of Owner

Mark L. Shapiro  
Print Name above

Sworn and Subscribed to before me  
this 12 day of January, 2023.

[Signature]  
Notary Public

DENISE LAWLOR-HAMOUDA  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 5/15/2023

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

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



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](mailto:jfife@longbeachtownship.com)
- ☒ Check for Application Fee \$ 2,200.00 Check # 3513
- ☐ Check for Escrow Fee \$ 3,500.00 Check # 3514

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

1/12/23

Approved

Denied

(FOR LAND USE BOARD SECRETARY ONLY)

# TOWNSHIP OF LONG BEACH LAND USE BOARD TECHNICAL CHECKLIST

Owner: Mark L. Shapiro Phone # 609-384-2132 Email: N/A  
Applicant: PSM Real Estate LLC Phone #: 609-492-1102 Email: callanmoeller@aol.com  
Address: 1415 Long Beach Blvd., Ship Bottom, NJ 08008  
Block: 11.28 Lot(s): 1.03, 1.04, 1.24, 1.25 Date: 1/12/23

**\*\*This checklist *MUST* be completed and submitted as part of any application. All of the following items must be shown on the submitted plans or attached for the application to be considered for completeness review.\*\***

**\*\*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.\*\***

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

[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

**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**

PLEASE TAKE NOTICE that PSM Real Estate LLC (the "Applicant") has made application to the Long Beach Township Land Use Board for preliminary and final major subdivision approval relative to the properties designated as Lots 1.03, 1.04, 1.24, and 1.25 in Block 11.28 on the Tax Map of the Township of Long Beach, located at 47 W. Alabama Ave., 34 W. Muriel Ave., and 38 W. Muriel Ave. in the Beach Haven Park Section of Long Beach Township. Lot 1.03 is currently developed with a single-family dwelling. Lots 1.24 and 1.25 are currently vacant.

The Applicant is seeking to demolish the existing single-family dwelling on Lot 1.03 and create four single-family building lots, which will be known as new lots 1.30, 1.33, 1.35, and 1.37. Five new riparian lots will also be created, which will be known as new lots 1.32, 1.34, 1.36, 1.38, and 1.39. New lot 1.31 is to be set aside for future water dependent use as required by the New Jersey Department of Environmental Protection and will have public access to Little Egg Harbor Bay. There are also three public parking spaces on new lot 1.31. New lots 1.33, 1.35, and 1.37 will be accessed via W. Alabama Ave. New lots 1.30 and 1.31 will be accessed via W. Muriel Ave. While the Applicant does not believe that any variances are required, any variances and/or waivers deemed necessary or appropriate by the Board will be requested at the hearing.

This matter is on the Clerk's Docket and a hearing has been ordered for February 8, 2023 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 #3552

James S. Raban  
Attorney for the Applicant