

RABAN & RABAN

— LLC —

Attorneys at Law

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

REGINALD J. RABAN (Retired)

JAMES S. RABAN*▲

MEMBER OF NJ BAR *

MEMBER OF PA BAR ▲

TEL (609) 492-0533

FAX (609) 492-0464

Email: jraban@regraban.com

May 5, 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: Brennan Minor Subdivision and Bulk Variance
Block 6.09, Lots 1.01, 1.02,
24 West 29th Street; Long Beach Township
Block 6.09 Lots 9.01 & 9.02
26 West 29th Street; Long Beach Township

Dear Jackie:

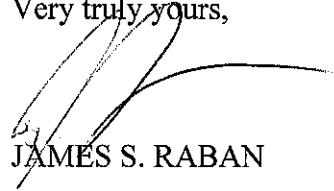
Enclosed please find the following with regard to the above referenced matter:

- (x) Original and 14 copies of Land Use Development Application;
- (x) 14 copies of 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 8 property photos
- (x) 1 W-9 (2);
- (x) 1 Affidavit of Ownership (2);
- (x) 1 Signed Checklist;
- (x) 1 Technical Checklist;
- (x) 1 Proposed Public Notice;
- (x) Application Fee check # 2943 Amount \$1,125.00
- (x) Attorney Escrow check # 2944 Amount \$2,500.00
- (x) Please consent and/or approve for public hearing on June 14, 2023 at 6:30 p.m.

Jackie Fife
Long Beach Township Land Use Board
May 5, 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,

A handwritten signature in black ink, appearing to read 'James S. Raban', with a long horizontal flourish extending to the right.

JAMES S. RABAN

JSR/dh

Encl.

Cc: Owen and Paula Brennan (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)
Robert Rue, Esq. (via email)
Arnie Lakind, Esq. (via email)



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

PLEASE READ

INSTRUCTIONS:

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

Kevin Quinlan, Esq.:

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

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

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

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

1 ORIGINAL of each of the following:

- Application Variance Plan Site Plan Subdivision Plan Architectural Plan(s)
- Tax Map Color Photos 1 - W-9 Zoning Denial Signed Checklist
- Technical Checklist Affidavit of Ownership, Consent, Authorization and Non-Collusion
- 1 Copy of Proposed Notice to Property Owners and for Publication
- Electronic copy PDF format of all the above emailed to jfife@longbeachtownship.com
- Check for Application Fee \$ 1,125.00 Check # 2943
- Check for Escrow Fee \$ 2,500.00 Check # 2944

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 Raban, Esq
Print Name

Date

5/5/23

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

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

Do not write below - for official use only

Project Name: Brennan Minor Subdivision
Block: 6.09 Lot(s): 1.01, 1.02, 9.01 & 9.02
Property Address: 24 W. 29th Street; 26 W. 29th Street

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

CHECK ALL THAT APPLY:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Bulk Variance | <input checked="" type="checkbox"/> Minor Subdivision (Exempt) |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Major Subdivision/Preliminary |
| <input type="checkbox"/> Interpretation | <input type="checkbox"/> Major Subdivision Final Major |
| <input type="checkbox"/> Informal | <input type="checkbox"/> Site Plan/Preliminary Major |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Site Plan/Final |

**ANSWER ALL QUESTIONS. IF NOT APPLICABLE INDICATE WITH 'N/A' OR 'None'
DO NOT LEAVE BLANKS. INCOMPLETE APPLICATIONS WILL NOT BE
ACCEPTED OR WILL BE DEEMED INCOMPLETE**

1. Applicant Name: Owen Brennan and Paula Brennan
Address: Street: 24 W. 29th Street City: Long Beach Twp Zip: 08008
Phone: (908) 500-3486 e-mail: pbrennan93@yahoo.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 Owners' Information 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: Haven 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.hty@gmail.com

Lot 1.01

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: 9,279.9 sq. ft. Lot Dimensions: Irregular

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

8. Current Use: Single-Family Residential
No. of Dwelling Units: 1 No. of Commercial Units: 0

9. Proposed Use: Single-Family Residential (Lot Line Adjustment)

10. When was the property purchased? 6/14/19

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 <u>22.60</u>	<input type="checkbox"/>	Front Yard Set Back <u>22.60</u>	<input type="checkbox"/>
Side Yard Set Back <u>6.00</u>	<input type="checkbox"/>	Side Yard Set Back <u>6.00</u>	<input type="checkbox"/>
Side Yard Set Back <u>13.20</u>	<input type="checkbox"/>	Side Yard Set Back <u>13.20</u>	<input type="checkbox"/>
Rear Yard Set Back <u>29.50</u>	<input type="checkbox"/>	Rear Yard Set Back <u>29.50</u>	<input type="checkbox"/>
Dist. to Adj. Struct. <u>37.90</u>	<input checked="" type="checkbox"/>	Dist. to Adj. Struct. <u>37.90</u>	<input type="checkbox"/>
Lot Coverage (sq.ft.) <u>1,716.78</u>	<input type="checkbox"/>	Lot Coverage (sq.ft.) <u>1,716.78</u>	<input type="checkbox"/>
% Lot Coverage <u>18.50</u>	<input type="checkbox"/>	% Lot Coverage <u>18.50</u>	<input type="checkbox"/>
% Impervious Coverage <u>25.70</u>	<input type="checkbox"/>	% Impervious Coverage <u>25.70</u>	<input type="checkbox"/>
No. Principal Structures <u>1.00</u>	<input type="checkbox"/>	No. Principal Structures <u>1.00</u>	<input type="checkbox"/>
No. Accessory Structures <u>0.00</u>	<input type="checkbox"/>	No. Accessory Structures <u>0.00</u>	<input type="checkbox"/>
Lot Width <u>96.70</u>	<input type="checkbox"/>		

14. Existing Restrictions:
(A) Deed Restrictions: _____ (Attach Copies) None
(B) Easements: _____ (Attach Copies) None
(C) Condominium: _____ (Attach Copies) None
15. Proposed Restriction: _____ None

Lot 9.01

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

Attache additional sheets if necessary.

6. Location of property:
Zone: R-50 Lot Area: 7,795.9 Lot Dimensions: Irregular

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

8. Current Use: Single-Family Residential
No. of Dwelling Units: 1 No. of Commercial Units: 0

9. Proposed Use: Single-Family Residential (Lot Line Adjustment)

10. When was the property purchased? 7/5/90

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 <u>20.50</u>	<input type="checkbox"/>	Front Yard Set Back <u>20.50</u>	<input type="checkbox"/>
Side Yard Set Back <u>15.00</u>	<input type="checkbox"/>	Side Yard Set Back <u>15.00</u>	<input type="checkbox"/>
Side Yard Set Back <u>8.90</u>	<input type="checkbox"/>	Side Yard Set Back <u>8.90</u>	<input type="checkbox"/>
Rear Yard Set Back <u>10.90</u>	<input type="checkbox"/>	Rear Yard Set Back <u>10.90</u>	<input type="checkbox"/>
Dist. to Adj. Struct. <u>37.90</u>	<input type="checkbox"/>	Dist. to Adj. Struct. <u>37.90</u>	<input type="checkbox"/>
Lot Coverage (sq.ft.) <u>2,533.67</u>	<input type="checkbox"/>	Lot Coverage (sq.ft.) <u>2,533.67</u>	<input type="checkbox"/>
% Lot Coverage <u>32.50</u>	<input type="checkbox"/>	% Lot Coverage <u>32.50</u>	<input type="checkbox"/>
% Impervious Coverage <u>58.40</u>	<input type="checkbox"/>	% Impervious Coverage <u>58.40</u>	<input type="checkbox"/>
No. Principal Structures <u>1.00</u>	<input type="checkbox"/>	No. Principal Structures <u>1.00</u>	<input type="checkbox"/>
No. Accessory Structures <u>0.00</u>	<input type="checkbox"/>	No. Accessory Structures <u>0.00</u>	<input type="checkbox"/>
Lot Width <u>88.50</u>	<input type="checkbox"/>		

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

15. Proposed Restriction: _____ None

16. Variances and Waivers:

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

None

See attached Application Supplement

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 Supplement Regarding Other Proceedings.

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

1. Minor Subdivision Plan prepared by Horn, Tyson & Yoder, Inc.
2. Resolution 28-90 of the Long Beach Township Planning Board dated January 3, 1991
3. Order Granting Partial Summary Judgment dated February 13, 2023 issued by the Honorable Francis Hodgson, A.J.S.C.
4. 8 photographs of the subject property
5. Minor Subdivision Plat dated June 6, 1990 filed with the Ocean County Clerk's Office on May 28, 1991 under Map # H2361.

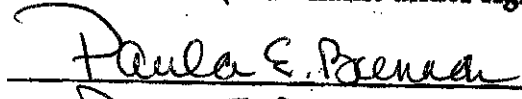
ALL OWNERS OF RECORD AND APPLICANT MUST SIGN APPLICATION. (ATTACH ADDITIONAL PAGES IF NECESSARY.)

Dates: March 3, 2023



Owen C. Brennan, Owner
(Print name under signature)

Dates: March 3, 2023



Paula E. Brennan, 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

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

Dates: 5-1-2023

Frank T. Buziak
Frank T. Buziak, Owner
(Print name under signature)

Dates: 5-1-2023

Phyllis Buziak
Phyllis Buziak, 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

OWNERS' INFORMATION SUPPLEMENT

Block 6.09, Lots 1.01 & 1.02:

Owen Brennan and Paula Brennan
24 W. 29th Street
Long Beach Township, NJ 08008
Phone: 908-500-3486
Email: pbrennan93@yahoo.com

Block 6.09, Lots 9.01 & 9.02

Frank T. Buziak and Phyllis R. Buziak
26 W. 29th Street
Long Beach Township, NJ 08008

Attorney for the Buziaks:
Robert E. Rue, Esquire
P.O. Box 1200
125 E. Main Street, Suite 1
Tuckerton, NJ 08087
Phone: 609-294-8847
Email: robertrue@ruelawllc.com

APPLICATION SUPPLEMENT

Owen Brennan and Paula Brennan (collectively, the "Applicant") are seeking minor subdivision and variance approval relative to the properties designated as Lots 1.01, 1.02, 9.01, and 9.02 in Block 6.09 on the Tax Map of the Township of Long Beach, located in the Beach Haven Gardens Section of Long Beach Township. Lots 1.01 and 1.02 are owned by the Applicant and Lots 9.01 and 9.02 are owned by Frank T. Buziak and Phyllis R. Buziak. Lots 1.01 and 9.01 are each developed with a single-family dwelling. There is no development proposed as part of the application. The Applicant is seeking to relocate the property line between Lots 1.01 and 9.01. The following bulk variances are requested:

1. Section 205-23 of the Long Beach Township Zoning Ordinance states that no approved lot shall have access of less than 20 feet to said lot from an improved street. Here, while the access to Lot 1.01 is greater than 20 feet at the street, a portion of the access narrows to 14.3 feet.
2. Under Section 205-12(B) of the Long Beach Township Zoning Ordinance, in all areas of Long Beach Township every building shall have side yards totaling not less than 30% of the lot frontage but in no event less than a total of 15 feet with a minimum of four feet on one side. Lot 1.01 has a proposed combined side yard setback of 19.2 feet where a minimum of 26.8 feet is required. This is a preexisting nonconformity, which is not changing. Lot 9.01 has a proposed combined side yard setback, of 23.9 feet where a minimum of 26.6 feet is required. This is a preexisting nonconformity, which is not changing.
3. Section 205(11)(C)(1) of the Long Beach Township Zoning Ordinance states that when any lot is situated immediately adjacent to bay or lagoon waters, whether

bulkheaded or not, no principal or accessory structure shall be closer than 10 feet from the waterline. The existing setback from the bulkhead to the pool on Lot 9.01 is 9.6 feet. This is a preexisting nonconformity, which is not changing.

Although the Applicant believes that no additional variances, waivers or exceptions are required, any variances, waivers or exceptions deemed necessary or appropriate by the Board will be requested at the public hearing. The proposed access, which narrows to 14.3 feet, will not change the current configuration of the access to Lot 1.01. The access, as proposed, will be utilized in the same manner as it has since the early 1990s.

SUPPLEMENT REGARDING OTHER PROCEEDINGS

This property was the subject of a prior minor subdivision application under Application 12-90, pursuant to which the applicant sought to reconfigure the lot line separating Lots 1.01 and 9.01. The minor subdivision was approved by the Long Beach Township Planning Board in Resolution 28-90 dated January 3, 1991, a copy of which is annexed hereto.

The property is also the subject of a matter involving a boundary line dispute currently pending in New Jersey Superior Court, Chancery Division, under Docket Number OCN-C-111-22. Attached is a copy of an Order Granting Partial Summary Judgment dated February 13, 2023 issued by the Honorable Francis Hodgson, A.J.S.C., ordering that Frank T. Buziak and Phyllis Buziak, within ten (10) days of their receipt of a minor subdivision application consistent with a Minor Subdivision Plan prepared by Horn, Tyson & Yoder, Inc. dated July 16, 2020, sign such application and all other documents necessary or helpful to perfect the subdivision depicted in the July 16, 2020 Minor Subdivision Plan. The Minor Subdivision Plan submitted with the instant Application, which bears a most recent revision date of March 28, 2023, is an updated version of the July 16, 2020 Minor Subdivision Plan, which includes any and all recent improvements to the property.

LONG BEACH TOWNSHIP PLANNING BOARD

OCEAN COUNTY, NEW JERSEY

RESOLUTION 28-90

WHEREAS, the application of Sparks for a minor subdivision approval, Application No. 12-90, with regard to Lot Nos. 1, 1.02, 9.01 and 9.02, Block No. 6.09, Beach Haven Gardens, Long Beach Township, Ocean County, New Jersey, was heard and considered by the Long Beach Township Planning Board at a regular meeting held on December 6, 1990; and

WHEREAS, the application and the revised plan prepared by Horn, Tyson & Yoder, Inc., dated June 6, 1990, were reviewed by the Board and the Planning Board engineer; and

WHEREAS, the Planning Board determined that it had jurisdiction to entertain this application; and

WHEREAS, the Applicant was represented at the hearing by an attorney, Joseph Privetera, Esquire and by an engineer, John Yoder; and

WHEREAS, the applicant's attorney made the following representations: The Board's previous request for certification of percentage lot coverage was added to the plan; and

WHEREAS, the applicant's engineer testified as follows: The computations underlying the coverage and floor area ratio percentages were accurate; and

WHEREAS, the meeting was opened to the public and there was no public comment, and the public portion of the meeting was thereafter closed; and

WHEREAS, the Long Beach Township Planning Board thereafter made the following factual findings and conclusions:

1. The property is located on the Bay, on the south side of 29th Street, in the Beach Haven Gardens Section.
2. The property lies in the R-50 Residential Zone and consists of two upland and two riparian lots.
3. The property contains the following improvements: a dwelling on each upland lot.
4. It is proposed to resubdivide the property by relocating the lot line between the two lots.
5. The following variances are required: There are no variances required as the resubdivision creates two conforming upland lots, and offers the advantage of providing more area to the originally smaller of the two lots.

WHEREAS, formal action was taken by the Planning Board at the regular meeting granting the application, with conditions, for the reasons aforesaid and it is necessary to memorialize those actions by adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Long Beach Township Planning Board, Ocean County, New Jersey as follows:

1. The application for the minor subdivision is approved.
2. This approval is expressly conditioned upon the following:
 - a. The following approvals shall be obtained:
 - i. Ocean County Planning Board.
 - ii. All other approvals required by law.
 - b. The plan shall be revised to show the percent coverage on each lot in accordance with 18-7.3(g).

3. That a certified copy of this Resolution be forwarded to the Applicant and filed with the Township Clerk within 10 days of the date that this Resolution is adopted and that notice of the final decision be published in accordance with law.

AS TO THE MINOR SUBDIVISION:


AYE *Hewitt, Gallant, Goldberger, Kimmel,
Roth, Major, Held*

NO *None*

ABSTAINED *None*

CERTIFICATION

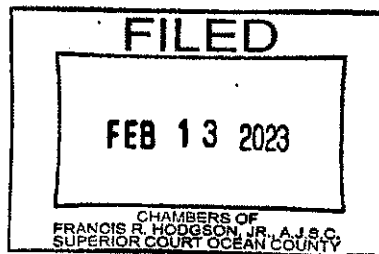
I hereby certify that the foregoing Resolution was adopted by a majority vote of those members present at the regular meeting of January 3, 1991, voting in favor of the action taken at the regular meeting of the Long Beach Township Planning Board held on December 6, 1990.


DOROTHY S. CRANMER
Clerk of the Board

DATED:

(SEAL)

SZAFERMAN, LAKIND,
BLUMSTEIN & BLADER P.C.
By: Arnold C. Lakind, Esq.
(Attorney Id. No. 002581973)
101 Grovers Mill Road, Suite 200
Lawrenceville, New Jersey 08648
Telephone (609) 275-0400
Fax (609) 275-4511
Attorneys for Plaintiffs,
Owen C. and Paula Brennan



OWEN C. and PAULA BRENNAN,

Plaintiffs-Counterclaim
Defendants,

v.

FRANK T. and PHYLLIS R. BUZIAK,

Defendants-
Counterclaimants,

v.

OWEN C. and PAULA BRENNAN,

Plaintiffs,

v.

KINGSTON and JACQUELINE SPARKS,
and SURETY TITLE AGENCY COASTAL
REGION, LLC, and OLD REPUBLIC
NATIONAL TITLE INSURANCE
COMPANY,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - OCEAN COUNTY

DOCKET NO. OCN-C-111-22

Civil Action

**ORDER GRANTING PARTIAL SUMMARY
JUDGMENT**

THIS MATTER was opened to the Court, on notice to all parties, by Plaintiffs, Owen C. and Paula Brennan, on their motion seeking summary Judgment on Count III of Plaintiffs'

Complaint and on their motion to dismiss Count I of the Counterclaim of Frank T. and Phyllis Buziak. This matter was also opened to the Court on the motion of Defendants, Frank T. and Phyllis Buziak, for summary judgment on Count I of their Counterclaim, on notice to all parties.

The Court has reviewed the Briefs and Certifications filed in support of and in opposition to the motions as well as the parties' Statement of Material Undisputed Facts, the responses thereto, and has heard oral argument.

IT IS on this 13th day of February 2023

ORDERED that summary judgment be and hereby is entered in favor of Plaintiffs on Count III of their Complaint;

ORDERED that the Court denies Plaintiffs' motion to dismiss Count I of the Counterclaim of Defendants, Frank T. and Phyllis Buziak;

ORDERED that the Court denies the motion of Defendants, Frank T. and Phyllis Buziak, for summary judgment on Count I of their Counterclaim;

ORDERED that, Defendants, Frank T. and Phyllis Buziak, shall, within ten (10) days of their receipt of a subdivision application consistent with the Minor Subdivision Plan of lots 1.01, 1.02, 9.01 and 9.02 of block 6.09 on the subdivision map prepared by Horn, Tyson & Yoder, Inc. dated 7/16/2020 (attached

as Exhibit A and referred to herein as the "Horn 2020 Subdivision Map"), sign such application and all other documents necessary or helpful to perfect the subdivision depicted in the Horn 2020 Subdivision Map;

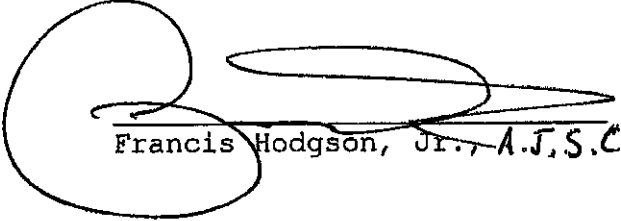
ORDERED that the Defendants, Frank T. and Phyllis Buziak, and the Plaintiffs, Owen C. and Paula Brennan, shall equally share in the costs incurred to perfect the subdivision, including but not limited to the bills rendered and to be rendered by Horn, Tyson & Yoder, Inc., legal fees, application fees, and escrow fees;

ORDERED that, Defendants, Frank T. and Phyllis Buziak, shall, within ten (10) days of the approval of the subdivision in accordance with the Horn 2020 Subdivision map execute a quit claim deed to Plaintiffs granting to Plaintiffs title to (1) overlap area referred to in Plaintiff's motion and lying to the south of the proposed property line described as N. 50 degrees, 54 minutes, 35 seconds W.; and (2) the triangular area lying to the south of the proposed property line described as N. 87 degrees, 17 minutes, 21 seconds W. being 59.95 feet in length, said property lines highlighted in yellow on Exhibit A;

ORDERED that, Plaintiffs, Owen C. and Paula Brennan, shall, within ten (10) days of the approval of the subdivision in

accordance with the Horn 2020 Subdivision map execute a quit claim deed to Defendants, Frank T. and Phyllis Buziak, of the area highlighted in orange on Exhibit A.

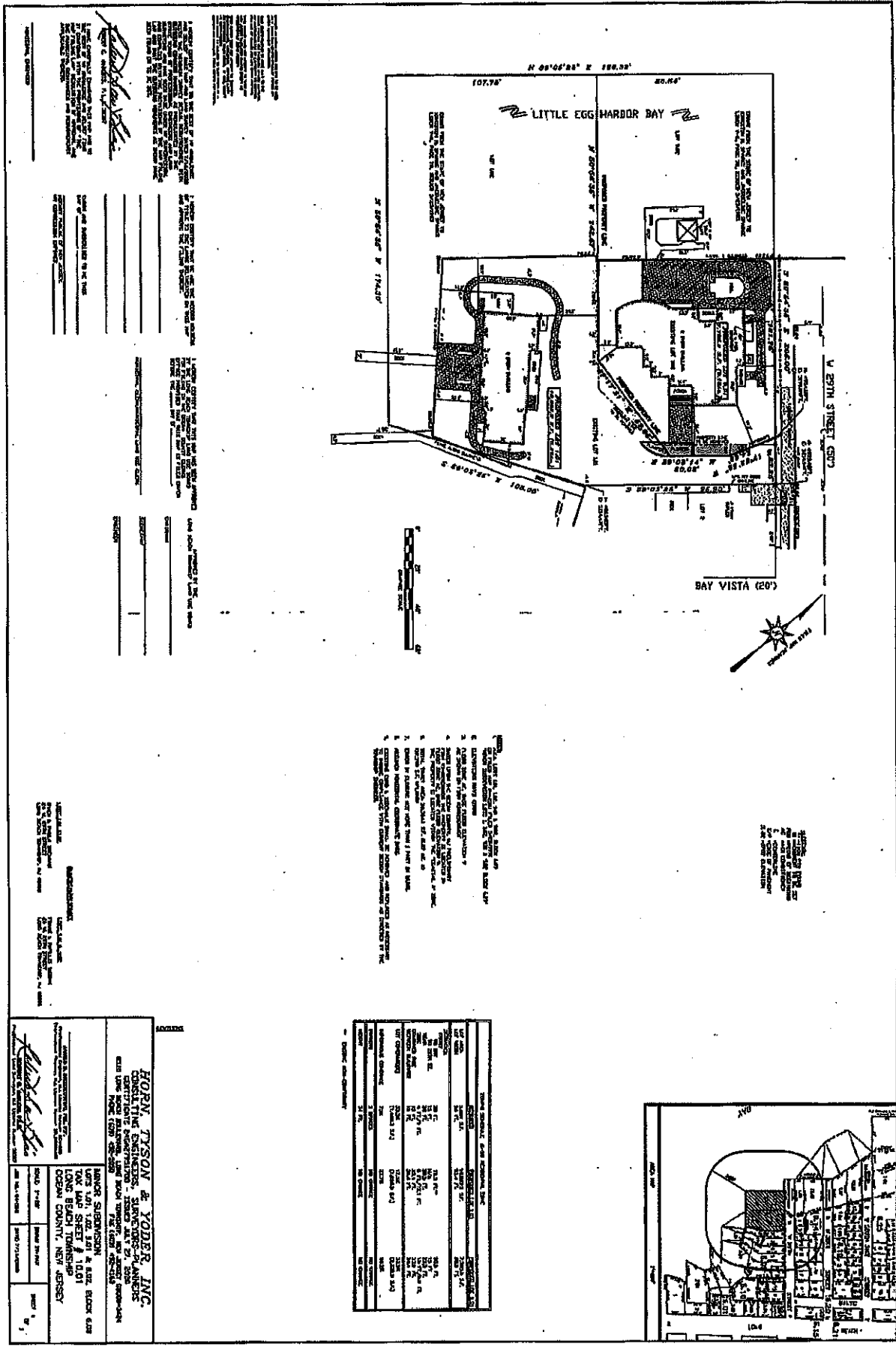
ORDERED that a copy of this Order be served on all counsel within seven (7) days of its entry.


Francis Hodgson, Jr., A.J.S.C

Opposed: X

Unopposed:

**E
X
H
I
B
I
T
A**



[Signature]
 I, the undersigned, being a duly Licensed Professional Engineer in the State of New Jersey, do hereby certify that I am the author of the foregoing and that the same is a true and correct copy of the original as shown to me.

[Signature]
 I, the undersigned, being a duly Licensed Professional Engineer in the State of New Jersey, do hereby certify that I am the author of the foregoing and that the same is a true and correct copy of the original as shown to me.

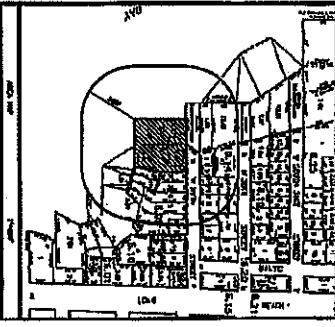
[Signature]
 I, the undersigned, being a duly Licensed Professional Engineer in the State of New Jersey, do hereby certify that I am the author of the foregoing and that the same is a true and correct copy of the original as shown to me.

[Signature]
 I, the undersigned, being a duly Licensed Professional Engineer in the State of New Jersey, do hereby certify that I am the author of the foregoing and that the same is a true and correct copy of the original as shown to me.

1. THIS PLAN IS FOR THE PROPOSED CONSTRUCTION OF THE PROJECT SHOWN HEREON.
2. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING REGULATIONS OF THE TOWNSHIP OF LONG BEACH, NEW JERSEY.
3. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE STATE PLANNING AND ZONING ACT, N.J.A.C. 17:27.
4. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 101, LIFE SAFETY CODE.
5. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE (IBC) 2018.
6. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMCC) 2018.
7. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE INTERNATIONAL ELECTRICAL CODE (IEC) 2017.
8. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE INTERNATIONAL MECHANICAL AND PLUMBING EXAMINERS ASSOCIATION (IMPEA) 2018.
9. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE INTERNATIONAL FIREMARTIN EXAMINERS ASSOCIATION (IFMA) 2018.
10. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE INTERNATIONAL SOCIETY OF PROFESSIONAL ENGINEERS AND ARCHITECTS (ISPEA) 2018.

THIS PLAN IS FOR THE PROPOSED CONSTRUCTION OF THE PROJECT SHOWN HEREON. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING REGULATIONS OF THE TOWNSHIP OF LONG BEACH, NEW JERSEY.

NO.	DESCRIPTION	DATE	BY	CHECKED
1	PRELIMINARY PLAN	02/13/2023	[Signature]	[Signature]
2	FINAL PLAN	02/13/2023	[Signature]	[Signature]
3	REVISIONS	02/13/2023	[Signature]	[Signature]
4	REVISIONS	02/13/2023	[Signature]	[Signature]
5	REVISIONS	02/13/2023	[Signature]	[Signature]
6	REVISIONS	02/13/2023	[Signature]	[Signature]
7	REVISIONS	02/13/2023	[Signature]	[Signature]
8	REVISIONS	02/13/2023	[Signature]	[Signature]
9	REVISIONS	02/13/2023	[Signature]	[Signature]
10	REVISIONS	02/13/2023	[Signature]	[Signature]



HORN, TYSON & YODER, INC.
 CONSULTING ENGINEERS, SURVEYORS & PLANNERS
 1000 WEST BROADWAY, SUITE 2000, NEW YORK, NY 10011
 PHONE (212) 485-2500

PROJECT: HARBOR SUBDIVISION & LANE BLOCK 638
 1000 WEST BROADWAY, SUITE 2000, NEW YORK, NY 10011
 LONG BEACH TOWNSHIP, OCEAN COUNTY, NEW JERSEY

DATE: 02/13/2023
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

I HEREBY CERTIFY THAT THIS MAP AND SURVEY HAVE BEEN EXAMINED BY ME IN MY CAPACITY AS LICENSED LAND SURVEYOR NO. 66-27 AND I DO HEREBY CERTIFY THAT THE MAP IS AS DESIGNATED AND SHOWN HERE-
BEEN SET ON BOND.

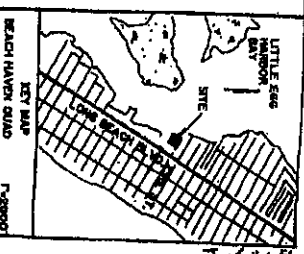
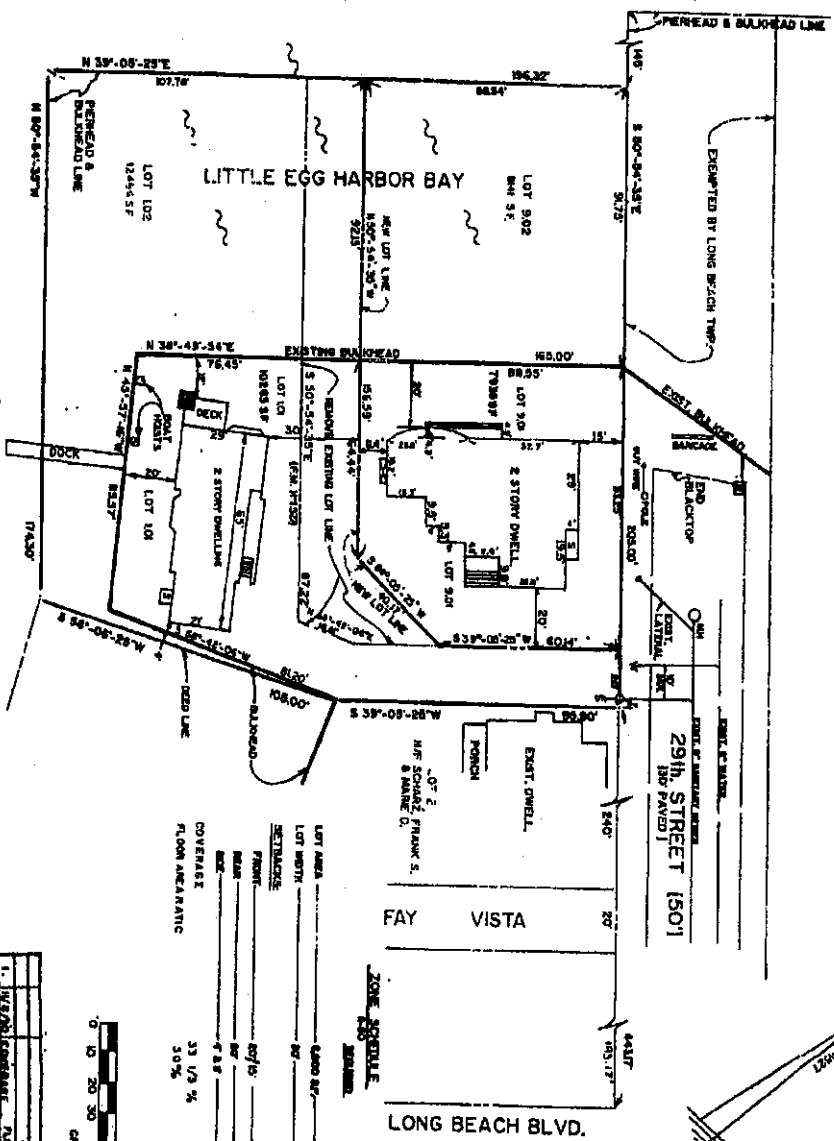
EXAMINED THIS MAP AND FOUND IT TO BE IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING AND ZONING ACTS AND THE MUNICIPAL ORDINANCES APPLICABLE THEREIN.

I HEREBY CERTIFY THAT WE ARE THE NEAREST HOLDERS OF TITLE TO THE LANDS BELINEATED ON THIS MAP AND APPROVE THE PLANS THEREOF.

SWORN AND SUBSCRIBED TO BEFORE ME THIS 17th DAY OF MAY 1981
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES 12/27/94

Division No. 1290
MUNICIPAL PLANNING BOARD
APPROVED BY:
MAYOR
VICE CHAIRMAN

I HEREBY CERTIFY THAT THIS MAP HAS BEEN APPROVED BY THE LOCAL PLANNING BOARD FOR FILING IN THE COUNTY CLERK'S OFFICE PROVIDED THIS MAP IS FILED ON OR BEFORE THE DATE SPECIFIED HEREON.



LOT AREA	LOT WIDTH	LOT DEPTH	FRONT SETBACKS	REAR SETBACKS	FRONT YIELD	REAR YIELD	COVER	FLUSH AREA/RATIO
10,000	100	100	10	10	10%	10%	33.3%	100%
10,000	100	100	10	10	10%	10%	33.3%	100%
10,000	100	100	10	10	10%	10%	33.3%	100%



NOTES:
1. TOTAL TRACT AREA: 124,455 SF.
2. ALL UTILITIES EXISTING.
3. MONUMENTARY: 4/11/81
4. 2. 1/24/81
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HORN, TYSON & YODER, INC.
CONSULTING ENGINEERS, SURVEYORS & PLANNERS
2015 LONG BEACH BOULEVARD, SUITE 100, LITTLE EGGS HARBOR, NJ 08040
TELEPHONE: (609) 271-1111
FAX: (609) 271-1112

EGMONT HORN
P.E. & P.L.S. 8695
JOHN TYODER
P.E. & P.L.S. 81058

MINOR SUBDIVISION
LOTS 1, 102, 901 & 902 | BLOCK 6.09
TAX MAP SHEET # 10
LONG BEACH TOWNSHIP
OCEAN COUNTY, N.J.

SCALE: 1" = 30'
DATE: 6/8/90
SHEET: 1 OF 1

FILED
H 236-1
Filed 5/28/91

5-636 B

Long Beach Township Land Use Board

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

STATE OF _____ :
COUNTY OF Ocean ss.

I, Owen and Paula Brennan being duly sworn according to law, upon my/our oath depose and say:

1. I/we am/are the only owner(s) of property known as 24 West 29th Street Long Beach Township, Ocean County, New Jersey known as :

Block 6.09 Lot 1.01 & 1.02
Block Lot
Block Lot

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

2. I/we consent to the making of this application and the approval of the plans submitted herewith. I/we further agree to be bound by all representations and commitments made by myself/ourselves or my/our authorized agent.

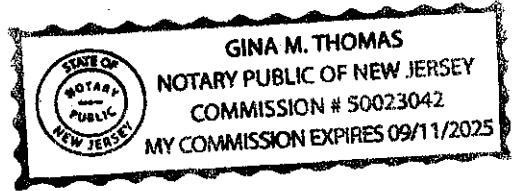
3. There has been no collusion between me/us and any member of the Township of Long Beach Land Use Board or any officials of the Township of Long Beach with respect to said application.

4. I/we hereby authorize James Raban (Agent), to make application on my/our behalf. I further agree to be bound by all representations, promises and commitments made by my agent.

Dated: 3/3/2023

Signature of Owner
Owen C. Brennan
Print Name above
Paula E. Brennan
Signature of Owner
Paula E. Brennan
Print name above

Sworn and Subscribed to before me this 3 day of March, 2023.
Notary Public



TOWNSHIP OF LONG BEACH
LAND USE BOARD
TECHNICAL CHECKLIST

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

DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
MAN MADE FEATURES									
Show existing structures and setbacks from existing and proposed property lines, indicating those to be modified or removed or to remain. Show setback of structures on adjacent properties.	X	X	X	X	X	X	X	X	(P)(W)(N/R)
Location of proposed buildings, finished grade, first floor and basement elevations, setbacks of all buildings from nearest lot lines, building height and other pertinent improvements.	X	X	X	X	X	X	X	X	(P)(W)(N/R)
Building coverage and lot coverage calculations.	X	X	X		X	X			(P)(W)(N/R)
Existing and proposed easements, rights-of-way and their purposes.	X	X	X	X	X	X	X	X	(P)(W)(N/R)
Existing and proposed manholes, sewer lines, stormwater management facilities, waterlines, fire hydrants and utility poles within 200 FT.			X	X	X	X	X	X	(P)(W)(N/R)
Plans and profiles of proposed utility layouts, such as sewers, storm drains, water, gas, communications and electric, showing feasible connections to existing or proposed utility systems as well as channel section details, pipe sizes, types and inverts, road crowns and slopes.					X	X	X	X	(P)(W)(N/R)
All monumentation as required as per the "Map Filing Law" including all monuments found, set or to be set.				X			X	X	(P)(W)(N/R)

TOWNSHIP OF LONG BEACH
LAND USE BOARD
TECHNICAL CHECKLIST

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

DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
Offstreet parking and loading spaces required and proposed, and location and dimensions of access drives, aisles and parking stalls		X	X		X	X			(P) (W) (N/R)
STREET									
Location, names and widths of all existing and proposed streets, sidewalks and street widening within 200 FT of the site.			X	X	X	X	X	X	(P) (W) (N/R)
Plans, profiles and cross-sections of paved areas, curbs and sidewalks.			X	X	X	X	X	X	(P) (W) (N/R)
MISCELLANEOUS									
Exterior Lighting Plan, including the location, direction of illumination, amount of illumination expressed in horizontal foot candles, wattage and drawn details of all outdoor lighting standards and fixtures.			X		X	X	X	X	(P) (W) (N/R)
Landscaping and Screening Plan showing the location, type of tree or shrub and the location, type and amount of each type of ground cover.			X	X	X	X	X	X	(P) (W) (N/R)
Storm drainage calculations.					X		X		(P) (W) (N/R)
Stormwater management facilities shown on the grading plan showing all aspects of the stormwater system.			X		X	X	X	X	(P) (W) (N/R)

TOWNSHIP OF LONG BEACH
 LAND USE BOARD
 TECHNICAL CHECKLIST

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

DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
Applications for new construction or additions to buildings; See Initial Checklist for number of copies to distribute of building plans showing elevations and floor areas (including dimensions) for all floors. "Multi-family units and commercial uses require sealed Architectural Plans;" Building elevation to be provided for the full height of the building from grade to roof peak. Plan scale shall be a minimum of 1/4" per foot. Building elevations shall be provided for all sides and shall be labeled North, South, East and West.	X	X							(P) (W) (N/R)
Location of all signs and drawn details showing the size, construction type, height and content of all signs.			X		X	X			(P) (W) (N/R)
Drawn details of the type of screening to be used for the refuse storage areas, outdoor equipment and bulk storage.			X		X	X			(P) (W) (N/R)

PUBLIC NOTICE

LONG BEACH TOWNSHIP

PLEASE TAKE NOTICE that Owen Brennan and Paula Brennan (collectively, the “Applicant”) are seeking minor subdivision and variance approval relative to the properties designated as Lots 1.01, 1.02, 9.01, and 9.02 in Block 6.09 on the Tax Map of the Township of Long Beach, located in the Beach Haven Gardens Section of Long Beach Township. Lots 1.01 and 1.02 are owned by the Applicant and Lots 9.01 and 9.02 are owned by Frank T. Buziak and Phyllis R. Buziak. Lots 1.01 and 9.01 are each developed with a single-family dwelling. There is no development proposed as part of the application. The Applicant is seeking to relocate the property line between Lots 1.01 and 9.01. The following bulk variances are requested:

1. Section 205-23 of the Long Beach Township Zoning Ordinance states that no approved lot shall have access of less than 20 feet to said lot from an improved street. Here, while the access to Lot 1.01 is greater than 20 feet at the street, a portion of the access narrows to 14.3 feet.
2. Under Section 205-12(B) of the Long Beach Township Zoning Ordinance, in all areas of Long Beach Township every building shall have side yards totaling not less than 30% of the lot frontage but in no event less than a total of 15 feet with a minimum of four feet on one side. Lot 1.01 has a proposed combined side yard setback of 19.2 feet where a minimum of 26.8 feet is required. This is a preexisting nonconformity, which is not changing. Lot 9.01 has a proposed combined side yard setback, of 23.9 feet where a minimum of 26.6 feet is required. This is a preexisting nonconformity, which is not changing.

3. Section 205(11)(C)(1) of the Long Beach Township Zoning Ordinance states that when any lot is situated immediately adjacent to bay or lagoon waters, whether bulkheaded or not, no principal or accessory structure shall be closer than 10 feet from the waterline. The existing setback from the bulkhead to the pool on Lot 9.01 is 9.6 feet. This is a preexisting nonconformity, which is not changing.

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

This matter is on the Clerk's Docket and a hearing has been ordered for June 14, 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 #3561

James S. Raban
Attorney for the Applicant