

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

February 3, 2026

Via Hand Delivery and Jfife@longbeachtownship.com

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

Re: Bagel Boy Properties, LLC Preliminary and Final Major Site Plan and Use
Variance
Block 5.27, Lots 1 & 10
2609 Long Beach Blvd., Long Beach Township, NJ 08008

Dear Jackie:

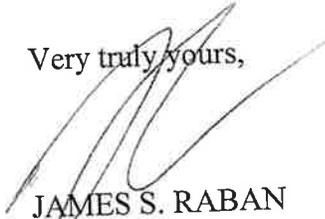
Enclosed please find the following with regard to the above referenced matter:

- (x) Original and 15 copies of Land Use Development Application;
- (x) 16 copies of Site Plans prepared by James Brzozowski of Horn, Tyson & Yoder, Inc.;
- (x) 16 copies of Architectural Drawings prepared by Scott Lepley, AIA of Adamson Riva & Lepley Architects, AIA;
- (x) 16 copies of Tax Map with Property Lot and Block highlighted;
- (x) 16 color copies of 4 Property Photos;
- (x) 1 W-9;
- (x) 1 Affidavit of Ownership
- (x) 1 Signed Checklist;
- (x) 1 Technical Checklist;
- (x) 1 Proposed Public Notice;
- (x) Application Fees check # 170 Amount \$3,150.00;
- (x) Attorney Escrows check # 171 Amount \$4,500.00;
- (x) Please consent and/or approve for public hearing on March 11, 2026 at 6:30 p.m.

Jackie Fife
February 3, 2026
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: Bagel Boy Properties, LLC (via email)
Scott Lepley, AIA (via email)
James Brzozowski, P.E., P.P. (via email)
Frank Little, Jr., P.E., P.P. (via email and regular mail)
Robin LeBe Esq. (via email and regular mail)



**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:

Robin La Bue, 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
- Mailed to Robin La Bue 98 East Water Street, Toms River, NJ 08753

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
- Electronic copy PDF format of all the above emailed to jfife@longbeachtownship.com
- Check for Application Fee \$ 3,650.00 Check # 166
- Check for Escrow Fee \$ 3,500.00 Check # 167

Board Member Packets (COLLATED):

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

Applicant Signature: _____
James Ruban
Print Name

_____ 2/13/24 _____
Date
Approved _____ Denied _____

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

Do not write below - for official use only

Project Name: Bagel Boy Properties LLC
Block: 5.27 Lot(s): 1
Property Address: 2609 Long Beach Boulevard

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

CHECK ALL THAT APPLY:

- | | |
|--|---|
| <input type="checkbox"/> Bulk Variance | <input type="checkbox"/> Minor Subdivision (Exempt) |
| <input checked="" 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 checked="" type="checkbox"/> Site Plan/Preliminary Major |
| <input type="checkbox"/> Conditional Use | <input checked="" 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: Bagel Boy Properties LLC
Address: Street: 59 Havenwood Drive City: Livingston Zip: 07039
Phone: (973) 445-1783 e-mail: pjpsport@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: Same as Applicant
Address: Street: _____ City: _____ Zip: _____
Phone: _____ e-mail: _____

All owners must be identified and sign application. (Use additional pages if necessary)

3. Attorney: James S. Raban, 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

5. Architect: Adamson Riva & Lepley, AIA
 Address: Street: 124A Main Street City: Forked River Zip: 08731
 Phone: (609) 693-9191 e-mail: jadamson@adamsonriva.com

Attache additional sheets if necessary.

6. Location of property:
 Zone: C Lot Area: 12,500.65 sq ft Lot Dimensions: 93' x 136.01'

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

8. Current Use: Mixed-Use
 No. of Dwelling Units: 2 No. of Commercial Units: 1

9. Proposed Use: Mixed-Use (1 Commercial Unit and 3 Residential Units)

10. When was the property purchased? 12/15/2020

11. Date of Last Certificate of Occupancy: _____ Attach Copy

12. Date of last construction, alteration or addition: _____ Attach copies of permits

| 13. Existing conditions | Pre-Existing non-conformity | Proposed conditions | Variance Needed |
|---------------------------------------|-----------------------------|---------------------------------------|--------------------------|
| Building Height: <u>22.00</u> | <input type="checkbox"/> | Building Height: <u>34.00</u> | <input type="checkbox"/> |
| Front Yard Set Back <u>0.50</u> | <input type="checkbox"/> | Front Yard Set Back <u>3.00</u> | <input type="checkbox"/> |
| Side Yard Set Back <u>44.20</u> | <input type="checkbox"/> | Side Yard Set Back <u>6.10</u> | <input type="checkbox"/> |
| Side Yard Set Back <u>16.10</u> | <input type="checkbox"/> | Side Yard Set Back <u>20.00</u> | <input type="checkbox"/> |
| Rear Yard Set Back <u>15.80</u> | <input type="checkbox"/> | Rear Yard Set Back <u>18.00</u> | <input type="checkbox"/> |
| Dist. to Adj. Struct. <u>15.00</u> | <input type="checkbox"/> | Dist. to Adj. Struct. <u>15.00</u> | <input type="checkbox"/> |
| Lot Coverage (sq.ft.) <u>3,475.00</u> | <input type="checkbox"/> | Lot Coverage (sq.ft.) <u>3,475.00</u> | <input type="checkbox"/> |
| % Lot Coverage <u>27.80</u> | <input type="checkbox"/> | % Lot Coverage <u>27.80</u> | <input type="checkbox"/> |
| % Impervious Coverage <u>42.20</u> | <input type="checkbox"/> | % Impervious Coverage <u>38.10</u> | <input type="checkbox"/> |
| No. Principal Structures <u>2.00</u> | <input type="checkbox"/> | No. Principal Structures <u>3.00</u> | <input type="checkbox"/> |
| No. Accessory Structures <u>1.00</u> | <input type="checkbox"/> | No. Accessory Structures <u>0.00</u> | <input type="checkbox"/> |
| Lot Width <u>93.00</u> | <input type="checkbox"/> | | |

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

15. Proposed Restriction: _____ None

16. Variances and Waivers:

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

None

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

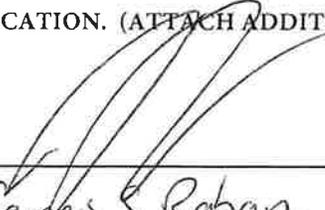
See attached Application Supplement.

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

- Site Plan prepared by Horn, Tyson & Yoder, Inc.
- Architectural Drawings prepared by Adamson Rive & Lepley, AIA
- 4 photographs of the subject property

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

Dates: 2/3/26



James S. Roban, Owner
(Print name under signature)
Attorney for Owner/Applicant

Dates: _____

_____, Owner
(Print name under signature)

Applicant Signature (if different from owner):

Dates: _____

_____, Applicant
(Print name under signature)

Dates: _____

_____, Applicant
(Print name under signature)

MUST BE SIGNED BY OWNER(S) AND/OR APPLICANT NOT ATTORNEY

APPLICATION SUPPLEMENT

Bagel Boy Properties LLC (the “Applicant”) has made application to the Long Beach Township Land Use Board (the “Board”) for preliminary and final major site plan approval and a special reasons variance from the Long Beach Township Zoning Ordinance relative to proposed development at the property designated as Lot 1 in Block 5.27 on the Tax Map of the Township of Long Beach, located at 2609 Long Beach Boulevard in the Spray Beach Section of Long Beach Township.

The property is currently developed with a mixed-use building containing Spray Beach Bagel N Grill on the first floor and a single-family apartment above. There is also a separate single-family dwelling situated to the south of the mixed-use building. The Applicant is seeking to demolish all existing improvements at the site and to construct a new elevated bagel shop in a similar location to the existing bagel store, with a one-story single-family apartment above the bagel store. Parking for the bagel shop, and the apartment above, is proposed underneath and behind the proposed mixed-use building. The Applicant is also proposing to construct two, freestanding, two-story single-family dwellings on the property. The front of each of the proposed single-family dwellings would face E. 26th Street. The following variances are requested from the Long Beach Township Zoning Ordinance:

1. Section 205-59(A)(18) governs development of mixed-use buildings in the General Commercial Zone. Under Section 205-59(A)(18)(c), a minimum of 50% of the parking at the property shall be for the nonresidential uses located at the property, and such parking shall otherwise comply with the minimum space requirements set forth in the Code.

a. Here, there are 9 total number parking spaces required for the three residential units at the property (3 spaces per unit). When reviewing the proposed bagel store alone, there are 3 parking spaces required for the proposed commercial use based upon the square footage of the commercial space. However, based upon the requirement that a minimum of 50% of the parking at the property be provided for nonresidential uses, and 9 parking spaces are required for the residential units, 9 parking spaces are required for the proposed bagel shop. 3 parking spaces are proposed for the bagel shop.

2. Based upon the fact that the Applicant does not meet all of the conditions of the Township's mixed-use ordinance, a special reasons variance is required.

Here, there is a hardship to the Applicant based upon the property's location within a Coastal A flood zone, as commercial construction cannot be floodproofed below the base flood elevation. As a result, the property is not conducive to traditional mixed-use development, with residential units above commercial units. The Applicant feels that the property is best suited for residential development, with a mixed-use component, as provided.

PRIOR LAND USE BOARD APPLICATION HISTORY

In a Resolution dated February 13, 2007, a copy of which is attached, an applicant received minor site plan approval and a special reasons variance to permit the conversion of the second-floor office and storage area into a residential apartment for the employees of an existing bagel shop/deli. At the time that the application was approved, the applicant testified that the additional residential unit was to be used by an employee of the commercial use and was willing to restrict the use of the apartment solely to that use. As a condition of the minor site plan and variance approval, the applicant was required to record a deed containing a restrictive covenant

that the dwelling unit located above the commercial use be utilized only by the owner or an employee of the commercial unit.

In a Resolution dated October 14, 2020, a copy of which is attached, an applicant received approval from the Board to remove the condition requiring that the dwelling unit above the commercial space be utilized only by an employee or owner of the commercial unit.

APPROVED
LAND USE BOARD

LONG BEACH TOWNSHIP LAND USE BOARD
RESOLUTION OF MEMORIALIZATION

Date Feb. 13, 2007

WHEREAS, application has been made to the Long Beach Township Land Use Board by RUSSELL MARCHIONE, the owner of the lands and premises, known and designated as Lots 1 and 10 in Block 5.27 on the Official Tax Map of Long Beach Township, which premises are located at 2609 Long Beach Boulevard, Long Beach Township, New Jersey, for Minor Site Plan approval together with a special reasons variance to permit the conversion of the second floor office and storage area into a residential apartment for the employees of an existing bagel shop/deli; 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, Howard Butensky, Esquire, at the hearing conducted on January 10, 2007 has made the following findings of fact:

- (1) The premises, an irregular lot, have the dimensions of 125 feet by 93 feet by 90 feet by 136 feet for a total lot area of approximately 12,509 square feet.
- (2) The applicant is the owner of the above described premises situated in the C General Commercial Zone;
- (3) The premises are currently improved by a two story building utilized as a bagel shop and deli on the first floor and the second floor is currently used as office/storage areas together with a detached two story frame single family dwelling.
- (4) The Board incorporates herein by reference the plans prepared by Horn, Tyson & Yoder, Inc., entitled, "Minor Site Plan Lots 1 and 10, Block 5.27 Tax Map Sheet #9 Long Beach Township Ocean County, New Jersey" dated 07/25/2006, bearing no revision date and the proposed Site Plan and second floor plan as prepared by the applicant.
- (5) The Board accepts the reports of its Engineer, Frank Little, Jr., dated January 3, 2007, and hereby incorporates same herein by reference.

(6) The Board notes that the applicant does not requires any variance relief as to the front yard, rear yard, or accessory rear yard as these are grand fathered and are not being changed by the subject application.

(7) A special reasons variance is required for the second floor apartment as there will be two proposed dwelling units and one commercial use on the property which is not a permitted use in the Commercial zone.

(8) The applicant testified that he wants the additional residential unit to be used by his employee of the commercial uses and is willing to restrict the use of the apartment solely to that use.

(9) The Board specifically finds that the proposed development satisfies a need in Long Beach Township to accommodate commercial uses to benefit its citizens.

(10) The Board wants to make sure that the subject premises remain a commercial property as commercial properties are needed in the resort community;

(11) The Board notes that the dwelling unit as proposed is a small apartment that is needed to provide appropriate housing for an employee of the commercial unit to live in;

(12) The Board notes that none of the surrounding property owners objected to the development as proposed.

(13) The proposed site plan provides the required off street parking and a trash enclosure is provided.

(14) The Board specifically finds that the site plan complies with the requirements of the site plan ordinances of Long Beach Township

NOW THEREFORE, BE IT RESOLVED, this 13th day of February, 2007 by the Long Beach Township Land Use Board that:

1. The application of RUSSELL MARCHIONE, for the lands and premises known as Lots 1 and 10 in Block 5.27 on the Official Tax Map of Long Beach Township, which premises are located at 2609 Long Beach Boulevard, Long Beach Township, New Jersey for minor site plan approval and special reasons variance to permit the conversion of the second floor office and storage area into an apartment for an employee of the deli/bagel shop is hereby granted in accordance with the application and plans as submitted by the applicant;

2. That the proposed dwelling unit located above the commercial use be utilized only by the owner or an employee of the commercial unit(s);

3 That the applicants record a deed containing a restrictive covenant to run with the land indicating that the proposed dwelling unit located above the commercial use be utilized only by the owner or an employee of the commercial unit(s) and that the said deed further consolidate lots 1 and 10 into 1 lot;

4. The applicant shall comply with all requirements of the Long Beach Township Engineer, as set forth in the Township Engineer's Report dated January 3, 2007, and such further requirements that the Long Beach Township Engineer may require during the course of construction;

5. 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;

6. The applicant obtain the following approvals:
- a. Ocean County Planning Board;
 - b. Long Beach Township Tax Assessor to consolidate the lots;
 - c. Long Beach Island Soil Conservation District;
 - d. Such other outside agency approval, as may be required;

7. 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;

8. 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;

9. 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 13, 2007.

Moved by: **TERNYLA**

Seconded by: **WARD**

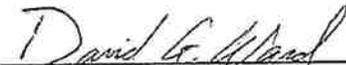
ROLL CALL VOTE:

Ayes: **KONNOR, SCHNELL, VANBUREN, WARD AND TERNYLA**

Nays: **NONE**

Certified to be a true copy of a Resolution adopted at a Regular Meeting of the Land Use Board held on February 13, 2007.

Dated: February 13, 2007.



David G. Ward, Secretary

PUBLICATION DATE: FEBRUARY 21, 2007

APPROVED
LAND USE BOARD

APPLICATION NO. LUB 17-20

Date October 14, 2020

LONG BEACH TOWNSHIP LAND USE BOARD
RESOLUTION OF MEMORIALIZATION

WHEREAS, application had been made to the Long Beach Township Land Use Board by RUSSELL MARCHIONE, the owner of the lands and premises, known and designated as Lot 1 in Block 5.27 on the Official Tax Map of Long Beach Township, which premises are located at 2609 Long Beach Boulevard, Long Beach Township, New Jersey, for Minor Site Plan approval together with a special reasons variance to permit the conversion of the second floor office and storage area into a residential apartment for the employees of an existing bagel shop/deli; and

WHEREAS, the Long Beach Township Land Use Board approved the said application for Minor Site Plan approval together with a special reasons variance to permit the conversion of the second floor office and storage area into a residential apartment for the employees of an existing bagel shop/deli which approval was memorialized by a Resolution of Memorialization 1-07 adopted by the Land Use Board on February 13, 2007; and

WHEREAS, the approvals granted and memorialized on February 13, 2007 contained several conditions, including the following requirement that the applicants record a deed containing a restrictive covenant to run with the land indicating that the proposed dwelling unit located above the commercial use be utilized only by the owner or an employee of the commercial unit(s) and that the said deed further consolidate lots 1 and 10 into 1 lot; and

WHEREAS, the applicant is seeking to sell the subject premises and is requesting that the Land Use Board remove the restriction that the second apartment must be utilized must be utilized by an employee of the commercial business site; 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, James S. Raban, Esquire, at the hearing conducted on September 9, 2020, has made the following findings of fact:

1. The premises, an irregular lot, have the dimensions of 125 feet by 93 feet by 90 feet by 136 feet for a total lot area of approximately 12,509 square feet.
2. The applicant is the owner of the above described premises situated in the C General Commercial Zone;

3. The Board incorporates herein the entirety of the Resolution of Memorialization LUB 1-07 dated January 10, 2007 as memorialized on February 3, 2007 as if fully restated herein at length.

4. The Board incorporates herein the entirety of the plans prepared by Horn, Tyson & Yoder, Inc., Consulting Engineers, entitled "Parking Plan Lot 1 & 10, Block 5.27 Tax Map Sheet #9 Long Beach Township, Ocean County, New Jersey" dated 1/26/2016 bearing the latest revision date of 8/25/2020.

5. The Board further incorporates herein the entirety of the plans prepared by Horn, Tyson & Yoder, Inc., Consulting Engineers, entitled "Minor Site Plan, Lot 1 & 10, Block 5.27 Tax Map Sheet #9 Long Beach Township, Ocean County, New Jersey" dated 7/25/2006 revised 3/6/2007.

6. The Board notes that at the time of the 2007 application, the Applicant owned and operated the bagel/deli business at the site and continued to operate the same for an additional eleven to twelve years during which time the second apartment was occupied by an employee of the commercial business.

7. The Board notes that the Plan prepared by Horn, Tyson & Yoder, Inc., as noted above, provides for ten (10) off-street parking spaces where seven (7) are required and, therefore, no bulk variance relief is required.

8. The Board also notes that decision of the New Jersey Superior Court, Tirpak v. Borough of Point Pleasant Beach Bd. Of Adjustment, decided on February 11, 2019, the Court held that Land Use Boards do not have the authority to impose restrictions that discriminate against renters.

9. The applicant is requesting no other changes to the site.

10. The Board notes that none of the surrounding property owners objected to the development as proposed.

NOW THEREFORE, BE IT RESOLVED, this 14th day of October, 2020 by the Long Beach Township Land Use Board that the application of RUSSELL MARCHIONE, to remove the condition set forth in the Board's Resolution LUB 1-07 adopted on February 13, 2007, requiring that the dwelling unit above the commercial use be utilized only by the owner or an employee of the commercial unit, be and is hereby removed.

This Resolution is intended to memorialize the action taken by the Long Beach Township Land Use Board of September 9, 2020.

Moved by: ROTH

Seconded by: PINGARO

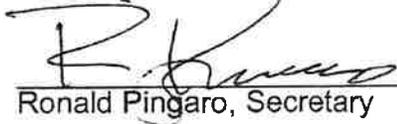
ROLL CALL VOTE:

Ayes: JONES, SCHNELL, CAPLICKI, DUCKER & MEEHAN

Nays: HUMMELL, SOUTHWICK & ROTH VOTED NO TO THE APPLICATION

Certified to be a true copy of a Resolution adopted at a Regular Meeting of the Land Use Board held on October 14, 2020.

Dated: October 14, 2020



Ronald Pingaro, Secretary

TOWNSHIP OF LONG BEACH
LAND USE BOARD
TECHNICAL CHECKLIST

Owner: Bagel Boy Properties LLC Phone # 973-445-1783 Email: pjpsport@aol.com

Applicant: Same as Owner Phone #: _____ Email: _____

Address: 59 Havenwood Drive, Livingston, NJ 07039

Block: 5.27 Lot(s): 1 Date: 2/3/26

****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

| DESCRIPTION | VARIANCE APPLICATION | | MINOR APPLICATION | | MAJOR SITE PLAN | | MAJOR SUBDIVISION | | CIRCLE ONE |
|--|----------------------|-----|-------------------|-------------|-----------------|-------|-------------------|-------|-------------------|
| | BULK | USE | SITE PLAN | SUBDIVISION | PRELIMINARY | FINAL | PRELIMINARY | FINAL | MUST BE COMPLETED |
| PLAT SPECIFICATIONS | | | | | | | | | |
| For Major and Minor Subdivisions and Site Plan Applications, a scale of not less than 1" = 30' for tracts up to five (5) acres or 1" = 50' for tracts greater than five (5) acres. For Variance Applications, a scale of not less than 1" = 10' for lots 10,000 SF or less and 1" = 20' for lots greater than 10,000 SF. | X | X | X | X | X | X | X | X | (P) (W) (N/R) |
| Signature, seal, address, license number of professional preparing plat. | X | X | X | X | X | X | X | X | (P) (W) (N/R) |
| All Plans MUST provide current information and be dated within one (1) year of the hearing date. (ADDED 7.10.24) | X | X | X | X | X | X | X | X | (P) (W) (N/R) |
| Plat based on land survey less than 12 months old | X | X | X | X | X | X | X | X | (P) (W) (N/R) |
| Sheet size up to 30" x 42" | X | X | X | X | X | X | X | X | (P) (W) (N/R) |
| Each sheet numbered and titled | X | X | X | X | X | X | X | X | (P) (W) (N/R) |
| GENERAL INFORMATION | | | | | | | | | |
| Existing and proposed lot lines with dimensions, bearing and curve data. | X | X | X | 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 |
| Title Block: Applicant name, name of development, preparer, lot and block numbers, date prepared, application type, and zoning district. | X | X | X | X | X | X | X | X | (P)(W)(N/R) |
| Tax map sheet, lot and block numbers | X | X | X | X | X | X | X | X | (P)(W)(N/R) |
| Zone boundaries, tax map sheet, lot and block number and names and addresses of all owners within 200 FT. | X | X | X | X | X | X | X | X | (P)(W)(N/R) |
| Date of original and all revisions. | X | X | X | X | X | X | X | X | (P)(W)(N/R) |
| Written and graphic map scale. | X | X | X | X | X | X | X | X | (P)(W)(N/R) |
| North arrow with reference meridian. | X | X | X | X | X | X | X | X | (P)(W)(N/R) |
| Data and signature as per the "Map Filing Law" | X | X | X | X | X | X | X | X | (P)(W)(N/R) |
| Table of zoning requirements, showing existing nonconformities and proposed variances. | X | X | X | X | X | X | X | X | (P)(W)(N/R) |
| Area of the tract and of each lot. | X | X | X | X | X | X | X | X | (P)(W)(N/R) |
| Approval signature lines for Chairman, Secretary and Board Engineer | | | X | X | X | X | X | X | (P)(W)(N/R) |
| NATURAL FEATURES | | | | | | | | | |
| Existing and proposed contours at one-foot intervals indicating surface drainage and topography within 50 FT | | | X | X | | | | | (P)(W)(N/R) |
| Existing and proposed contours at one-foot intervals indicating surface drainage and topography within 200 FT | | | | | X | X | X | X | (P)(W)(N/R) |
| All existing water courses and related areas that are subject to 100 Year floods under FEMA standards. | | | X | X | X | X | X | X | (P)(W)(N/R) |
| The boundaries of wetlands and wetland transition areas. | X | X | X | X | X | X | X | X | (P)(W)(N/R) |

REVISED JULY 10, 2024
SPECIAL RESOLUTION #10-2024

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 |
| Off street 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) |
| Dimensioned Interior Layout Plan for Commercial Space; including counters, seating, equipment, etc. (ADDED 7.10.24) | | | X | | X | X | | | (P) (W) (N/R) |
| Dimensioned Interior Layout Plan for Residential Units showing all floors, room dimensions and proposed use of each area. (ADDED 7.10.24) | X | X | | X | X | X | X | X | (P) (W) (N/R) |

PUBLIC NOTICE

LONG BEACH TOWNSHIP

PLEASE TAKE NOTICE that Bagel Boy Properties LLC (the “Applicant”) has made application to the Long Beach Township Land Use Board (the “Board”) for preliminary and final major site plan approval and a special reasons variance from the Long Beach Township Zoning Ordinance relative to proposed development at the property designated as Lot 1 in Block 5.27 on the Tax Map of the Township of Long Beach, located at 2609 Long Beach Boulevard in the Spray Beach Section of Long Beach Township.

The property is currently developed with a mixed-use building containing Spray Beach Bagel N Grill on the first floor and a single-family apartment above. There is also a separate single-family dwelling situated to the south of the mixed-use building. The Applicant is seeking to demolish all existing improvements at the site and to construct a new elevated bagel shop in a similar location to the existing bagel store, with a one-story single-family apartment above the bagel store. Parking for the bagel shop, and the apartment above, is proposed underneath and behind the proposed mixed-use building. The Applicant is also proposing to construct two, freestanding, two-story single-family dwellings on the property. The front of each of the proposed single-family dwellings would face E. 26th Street. The following variances are requested from the Long Beach Township Zoning Ordinance:

1. Section 205-59(A)(18) governs development of mixed-use buildings in the General Commercial Zone. Under Section 205-59(A)(18)(c), a minimum of 50% of the parking at the property shall be for the nonresidential uses located at the property, and such parking shall otherwise comply with the minimum space requirements set forth in the Code.

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 Thursday 9:00 a.m. to 3:00 p.m.

File #3638

James S. Raban
Attorney for the Applicant

a. Here, there are 9 total number parking spaces required for the three residential units at the property (3 spaces per unit). When reviewing the proposed bagel store alone, there are 3 parking spaces required for the proposed commercial use based upon the square footage of the commercial space. However, based upon the requirement that a minimum of 50% of the parking at the property be provided for nonresidential uses, and 9 parking spaces are required for the residential units, 9 parking spaces are required for the proposed bagel shop. 3 parking spaces are proposed for the bagel shop.

2. Based upon the fact that the Applicant does not meet all of the conditions of the Township's mixed-use ordinance, a special reasons variance is required.

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 March 11, 2026 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 (609-361-6637) during normal business hours on the day of the hearing for any change from in person to virtual meeting.