

LONG BEACH TOWNSHIP LAND USE BOARD
RESOLUTION OF MEMORIALIZATION

WHEREAS, application for variance relief has been made to the Long Beach Township Land Use Board by 16th Street LBI, LLC, the owner of the lands known and designated as Block 4.19 Lot 19, on the Official Tax Map of Long Beach Township, which lands are located at 1511 Long Beach Boulevard. The Applicant proposes to convert the existing vacant café into retail or office space on the ground floor and construct a second-floor addition with a three (3) bedroom apartment.

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

WHEREAS, the applicant was represented by Richard P. Visotcky, Esq.

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

WHEREAS, the property lies within the C General Commercial and R-50 General Single Family Residential Zone.

WHEREAS, the Applicant proposes to convert the existing vacant café into retail or office space on the ground floor and construct a second-floor addition with a three (3) bedroom apartment. A Special Reasons "D" Variance is required as mixed use and parking lots are not permitted uses in the R-50 General Residential Zone.

WHEREAS, the following exhibits were marked into evidence:

- A-1 Application and attachments.
- A-2 Site Plan prepared by Horn, Tyson and Yoder, Inc., dated 7/14/21 and a last revision date of 3/4/22.
- A-3 Architectural Plans prepared by Michael Pagnotta Architecture & Construction dated 11/30/21 with no revisions.
- A-4 Color Rendering.
- A-5 Color Photos (3).

A-6 Tax Map

B-1 Board Engineer Review Letter prepared by Frank Little, Jr. P.E., P.P.,
CME. dated 3/25/22.

WHEREAS, Testimony was offered by James Brzozowski, P.E., P.P.
who was qualified as an expert in professional planning and professional engineering;
Michael Pagnotta, AIA was qualified as an expert in architectural design and Jeffrey
Snyder, member of 16th Street LBI, LLC.

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

1. Most of the parcel is in the commercial zone.
2. Applicant proposes to convert the existing vacant café on the ground floor to retail or office space and add a three (3) bedroom apartment as a second story.
3. Existing non-conformities are:
 - a. Lot area of 6,000 sf is required where 4,400 sf exists. No change proposed.
 - b. Lot width of 60 ft is required where 40 ft. exists. No change proposed
 - c. Minimum setback for business sign of 0.0 ft. is required and -1.5 ft. exists.
No change proposed.
4. Variances requested are:
 - a. Combined side yard setback of 15ft is required and 12 ft is proposed.
 - b. Impervious coverage of 75% is permitted and 82.4% is proposed.
 - c. Setback to impervious coverage of 1.5 ft. is permitted and 1 ft. is proposed.
 - d. Special Reasons "D" Variance. Mixed use and parking lots are not permitted uses in the R-50 General Single Family Residential Zone.
5. All the adjacent property is fully developed and not land is available for acquisition to remove or bring the pre-existing non-conformities more into conformity.
6. Existing curbing and sidewalk shall be replaced should same be determined to be deteriorated or below design standards.
7. Waive requested for sight triangle. The deck at an elevation of 9 ft. does not obstruct the sight triangle however one support column is within the sight

triangle. However, given the minimal width of the support column and setback from the roadway this does not create a dangerous condition and the waive can be granted without substantial detriment.

8. Parking complies with the ordinance. Location of parking on portion of lot in residential zone represents the least intrusive use in the residential zone and better planning.
9. The proposed variances can be granted without substantial detriment to the zone plan, ordinances, and Master Plan of the Township.
10. The proposed mixed use represents a better planning alternative to the site and preserves viable commercial use.
11. There is no detrimental effect on the open air and light of surrounding properties.
12. The proposed development represents and improvement in aesthetics and is consistent with the neighborhood scheme.
13. The property is uniquely situated for mixed use which retains a viable commercial use and is consistent with other properties in the vicinity.

WHEREAS, Michael Pagnotta, AIA was sworn and testified as follows:

1. The existing structure was determined by an engineer to be structurally sound and capable of supporting the proposed second floor addition.
2. The combined side yard setback of 12 is necessary to provide for safe ingress and egress.
3. The architectural plan will be revised to show the spiral stair and platform to be 4 ft. deep were shown on the plan as 4.4 ft.
4. Signage shall be located on the structure or on existing free-standing sign.
5. Any lighting shall comply with applicable ordinances and be shielded so as not to shine on adjacent residential properties.
6. The proposed improvements will be consistent with the neighborhood scheme and an aesthetic improvement.

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

1. He is a member of the LLC and has authorization to testify and to bind the Applicant.
2. The intended use to be retail or office space. Will not be used for restaurant or

food service.

3. Venting units on roof to be removed.
4. Plans to be revised to remove restaurant equipment depicted on plan.

WHEREAS, the meeting was opened to the public. James Markoski testified in support of the application, specifically the removal of use as a restaurant.

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

1. All jurisdictional requirements have been met as the Application having been deemed complete and proper notice having been published and served.
2. The applicants are authorized to make the Application.
3. The property is in the C General Commercial and R-50 General Single Family Residential Zones. Mixed commercial residential use is not a permitted use in the R-50 Zone therefore a Special Reasons "D" Variance is required.
4. Variances are required for combined side yard setback of 12 ft. where 15 ft is required, Impervious coverage of 82.4% where 75% is permitted; setback to impervious coverage where 1 ft is proposed, and 1.5 ft is required and setback of existing sign of -1.5 ft where 0.0 ft is permitted.
5. The pre-existing non-conforming lot area and lot width are not being expanded.
6. There is no adjacent property available for purchase to remove the pre-existing non-conformities or need for variance relief.
7. The Board finds that the variances can be granted without substantial detriment to the Zone Plan, Master Plan and/or ordinances of the Township of Long Beach.
8. The Board finds that the benefits of granting the variances outweigh any detriment to the zone plan, ordinances, and Master Plan of the Township. The Board specifically finds that the improvements in aesthetics, retention of commercial property, suitability of site for proposed use and adequate parking are significant benefits.
9. The Board finds special reasons for the granting of the use variance whereas the retention of commercial property, location of parking in residential portion of lot

and relatively small portion of the lot within the residential zone are present.

10. The Board finds that there is no detrimental impact to the open air and light of the surrounding properties.
11. Any detriments are minimal.
12. Wavier for location of the deck support column within the sight triangle can be granted without detriment to safety.

NOW THEREFORE, BE IT RESOLVED, that the variance relief requested, by the Applicant is hereby granted in accordance with the application, plans and testimony admitted at time of hearing and subject to submission of a revised plans within 45 days of memorialization.

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicant's compliance with all terms and conditions of the letter of the Board Engineer, Frank J. Little, Jr. P.E., P.P., and C.M.E., dated March 25, 2022, and entered in evidence as Exhibit B-1.

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


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

BE IT FURTHER RESOLVED that this approval is subject to and conditioned upon Applicants' payment of all taxes and all other applicable assessments, and Applicant satisfying all fees and escrow fees as may be required. Applicant shall also pay and post all inspection fees, performance guarantees and maintenance bonds as may be required, in amounts established by the Borough Engineer, and in such form as required by the Township Solicitor.

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

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

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



JACQUELINE FIFE
SECRETARY

Moved By: PINGARO

Seconded by: JONES

ROLL CALL VOTE:

PINGARO, HUMMEL, JONES, ROTH, CAPLICKI, AND MEEHAN VOTED YES.


Ayes: (7):

Nays: NONE

Abstentions: NONE

CERTIFICATION

I, **JACQUELINE FIFE**, Secretary of the Land Use Review Board of the Township of Long Beach, County of Ocean, and State of New Jersey, do certify that the foregoing is a true copy of a Resolution approved at the April 13, 2022, regular meeting and memorialized by the Land Use Review Board of the Township of Long Beach at a public meeting held on May 11, 2022.



JACQUELINE FIFE
SECRETARY

PUBLICATION DATE: May 19, 2022