

**BRANT BEACH, NEW JERSEY
JANUARY 11, 2017**

A Regular Public Meeting of the Land Use Board of the Township of Long Beach was held in the Multi-Purpose Room in the Administration Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey on the above date.

The meeting was called to order at 7:00 P.M.

Mr. Adolph Sichiery, Board Attorney, made the following announcement: "This is a regular meeting of the Long Beach Township Land Use Board, notice of which was posted on the Bulletin Board in the Municipal Clerk's office and advertised in the Beach Haven Times and Asbury Park Press and filed with the Municipal Clerk on or before January 1, 2017 as required by the Open Public Meeting Act."

Members of the Board present: **J.C. Konnor, J. A. Leonetti, E. J. Hummel as Mayor's Designee, R. Pingaro, D.S. Southwick, R. S. VanBuren and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **Mrs. V.E. Applegate, R. H. Bayard and Mayor J. H. Mancini.**

Alternate members of the Board present: **P. M. Moran, R. L. Jones and R. B. Roth, Jr.**

Alternate members of the Board absent: **None.**

Also present were the following: **Mr. A.P. Sichiery, Esq., Board Attorney, Mrs. L. C. Krueger, Secretary for the Board/Commission and Mrs. S. L. Bongiovani, Clerk.**

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(Tape #637 - Side 1)

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Mr. Sichiery gave a brief overview of the applications to be considered:

1. #LUB-33-16: BILOW (Block 20.164, Lot 1) 168A Long Beach Boulevard, Loveladies: Mr. Sichiery stated that the applicant proposed to construct an elevator tower as well as construct a new swimming pool which required a bulk variance for front yard setback. It was noted that the pool fence was located in the site triangle.

2. #LUB-1-17: LAMBERT (Block 20.60, Lot 5) 44 Harbor Lane, Loveladies: Mr. Sichiery stated that the applicants proposed to construct an addition replacing the first floor deck which required bulk variances for front yard and side yard setbacks.

3. #LUB-2-17: EVANS (Block 23.02, Lot 25) 101 Auburn Road, High Bar Harbor: Mr. Sichiery stated that the applicant proposed to retain the existing deck as built which encroached into the rear yard setback and required a bulk variance.

4. **#LUB-3-17: GUARINO (Block 12.14, Lot 8) 9112 Beach Avenue, Peahala Park:** Mr. Sichiari stated that the applicant proposed to construct an addition on the existing single family home which required a bulk variance for front and side yard setback as well as lot coverage.

5. **#LUB-4-17: FILACCHIONE (Block 14.08, Lot 3) 29 West Winifred Avenue, Beach Haven Crest:** Mr. Sichiari stated the applicant was requesting bulk variance approval to allow the deck and stairs to remain as built.

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Mrs. Schnell announced that the reorganization of the Board would take place and noted that four members of the Board, Mr. Pingaro, Mrs. Schnell, Mr. Hummel and Mr. Jones had been reappointed and sworn in.

Mr. Sichiari asked for a nomination for **Chairman**. **Southwick moved, seconded by Roth to nominate Lynne J. Schnell.** The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Southwick, VanBuren, Moran, Jones and Roth** all voted **YES**. Schnell abstained.

Chairman Schnell asked for a motion for **Vice Chairman**. **Hummel moved, seconded by Southwick to nominate Jeffrey C. Konnor.** The following roll call vote was recorded: **Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Moran, Jones and Roth** all voted **YES**. Konnor abstained.

Chairman Schnell asked for a motion for **Secretary**. **Southwick moved, seconded by Hummel to nominate Ronald Pingaro.** The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Schnell, Southwick, VanBuren, Moran, Jones and Roth** all voted **YES**. Pingaro abstained.

Chairman Schnell asked for a motion for **Board Attorney**. **Roth moved, seconded by Southwick to retain Carol Sichiari, Esquire with the firm, Sichiari and Sichiari, P.C..** The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Moran, Jones and Roth** all voted **YES**.

Chairman Schnell asked for a motion for **Board Engineer**. **Konnor moved, seconded by Southwick to retain Frank J. Little, Jr., P.E. with the firm of Owen, Little and Associates Inc..** The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Moran, Jones and Roth** all voted **YES**.

Chairman Schnell asked for a motion for **official newspapers**. **Southwick moved, seconded by Hummel to retain the Beach Haven Times and Asbury Park Press as the official newspapers.** The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Moran, Jones and Roth** all voted **YES**.

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Mrs. Schnell listed the following **Resolutions of Memorialization**:

1. **#LUB-34-16: PERONE** – Resolution of Denial moved by **Moran** seconded by **Hummel**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Moran and Jones** all voted **YES**.
2. **#LUB-35-16: RAGUSA** – Resolution of Approval moved by **Pingaro** seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Moran and Jones** all voted **YES**.
3. **#LUB-36-16-PF: DAVIES** – Resolution of Approval moved by **Moran** seconded by **Southwick**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Southwick, Moran and Jones** all voted **YES**.
4. **#LUB-37-16: LENNAR** – Resolution of Denial moved by **Pingaro** seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti and Pingaro** all voted **YES**.

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Mrs. Schnell noted that there were five applications to be considered, as follows:

(1) **#LUB-33-16 LOVELADIES**

PAULA BILOW
Owner & Applicant
Block 20.164, Lot 1

Mrs. Paula Bilow, represented herself was sworn and evidence was marked as follows: Application and Attachments, **#A-1**, Map showing survey prepared by Horn, Tyson & Yoder, Inc. dated September 26, 2016, **#A-2**, Site Plan prepared by Bilow Garrett Group, Architects and Planners, P.C. dated October 20, 2016, **#A-3**, Two page Architectural drawings prepared by Bilow Garrett Group, Architects and Planners, P.C. dated October 20, 2016, **#A-4**, revised Site Plan prepared by Bilow Garrett Group, Architects and Planners, P.C. dated December 16, 2016, **#A-5**, and Memo to the Board from JoAnne Tallon, Zoning Officer dated November 2, 2016, **#B-1**.

Mr. David Bilow, Architect was sworn and qualified. Mr. Bilow stated that the proposed fence had been removed from the site triangle and that the pool equipment had been plotted on the site plan. He also stated that the house was encumbered by three easements. Mr. Bilow submitted photographs of the property and properties with pools located in the front yard, marked **#A-6**. Mr. Bilow stated that the proposed pool and elevator locations would not be detrimental to the neighborhood. Mr. Bilow addressed the Board's questions. He also stated that the elevator and pool were proposed in the most logical locations.

The Board discussed the application and the majority of the Board agreed that the pool and elevator were proposed in the most logical locations.

The Public session was closed.

Moran moved, seconded by Southwick to approve the application as submitted with the condition that the applicant comply with the fencing requirements. The following roll call vote was recorded: **Leonetti, Hummel, Southwick, VanBuren, Moran and Jones** all voted **YES**. **Konnor, Pingaro and Schnell** all voted **NO**. **The motion carried.**

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(Tape #637 – Side 2)

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(2) #LUB-1-17 LOVELADIES

HAROLD AND DIANE LAMBERT

Owners & Applicants

Block 20.60, Lot 5

Mr. Robert Kiss, Esquire of Surf City, NJ represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Horn, Tyson & Yoder, Inc. dated April 19, 2016 with the latest revision dated October 20, 2016, **#A-2** and one page floor plan; elevations; framing plans and site plans dated May 2016, **#A-3**, Mr. Kiss stated the application proposed a bedroom addition in place of a deck that was located on the second floor of the home.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the existing property to the Board. He noted that the rear deck containing the pool was 1.4 feet above the grade and therefore counted as lot coverage. He stated that if the deck were a few inches lower, the lot coverage and side yard setback variances would not be required. It was noted that the pool was also above grade. Mr. Brzozowski submitted a copy of the site plan with the pool and deck area highlighted, marked **#A-4**, Google Earth map of the area, marked **#A-5**, and photographs of the house, marked **#A-6**.

Harold Lambert, owner of the property was sworn and testified that the deck existed when they purchased the property.

The Public Session was closed.

The Board noted that the increase in the proposed lot coverage was very minor and that the majority of the overage of lot coverage was pre-existing.

Southwick moved, seconded by Hummel to approve the application as submitted. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Moran and Jones** all voted **YES**.

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(3) **#LUB-2-17** **HIGH BAR HARBOR**

SALLY AND KEITH EVANS

Owners & Applicants

Block 23.02, Lot 25

Mrs. Sally Evans and Mr. Keith Evans, representing themselves were sworn and evidence was marked as follows: Application and Attachments, #A-1, Plan to accompany application prepared by Land Line Surveyors dated November 7, 2016, #A-2 and one page Architectural drawings prepared by William R. Beyer, R.A., A.I.A. Architect dated April 3, 2015 and revised November 7, 2016, #A-3. Ms. Evans submitted a packet of photographs, marked #A-4. Mrs. Evans stated that they were requesting a bulk variance to allow 34.7 square feet of decking to remain. She noted that it encroached into the setback due to the irregularly shaped lot. Mrs. Evans stated that the house had been raised due to flooding caused by Super Storm Sandy and had been moved back to conform with the front yard setback requirement. She requested that the deck be allowed to remain as it was built.

Mr. Robert Cianci of 109 Auburn Road was sworn and testified that that he had limited power of attorney for neighbors Mr. and Mrs. Garrenger and Mr. Moutenot. He noted that they were all in favor of the application.

The Public Session was closed.

Mrs. Evans stated that the deck did not obstruct any view and if it was cut back to conform, it would be unattractive.

The Board noted that the lot coverage was less than permitted and felt that the small portion of deck that encroached into the setback area was a minimal encroachment.

Leonetti moved, seconded by Moran to approve the application as submitted. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Moran and Jones** all voted YES.

The Board took a five-minute recess.

(Tape #638 – Side 3)

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(4) **#LUB-3-17** **PEAHALA PARK**

ROBERT GUARINO

Owner & Applicant

Block 12.14, Lot 8

Mr. James Raban, Esq. represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Horn, Tyson and Yoder, Inc., dated October 28, 2016, #A-2, and one page Architectural Plan prepared by Gym Wilson

Architects dated November 18, 2016, #A-3. Mr. Raban stated that the applicant proposed to expand his home with additional bedrooms by constructing a two-story addition in the footprint of an open porch, with a second floor addition above a portion of the existing first floor deck.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and submitted photographs of the property, marked #A-4. Mr. Brzozowski described the existing nonconformities and the expansion of the nonconforming side yard setback. The Board discussed the gate accessing the rear yard and the trash enclosure.

Mr. Robert Guarino, Applicant was sworn and testified that he had owned the home for twenty-one years and needed to expand the home for his growing family. He also stated he would move the fence and gate back to allow for two off-street parking spaces.

The Public session was closed.

Mr. Raban stated that due to the size of the lot there was not another location available for the expansion of the home.

The Board felt that the request was reasonable and would like to see the fence moved to accommodate two, nine by eighteen parking spaces.

Southwick moved, seconded by VanBuren to approve the application with the condition that revised plans be submitted showing the fence and gate fronting on Cape Cod Lane to be relocated to allow for two off-street parking spaces. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Moran and Jones** all voted **YES**.

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(5) **#LUB-4-17** **BEACH HAVEN CREST**

MONSIGNOR MARC FILACCHIONE

Owner & Applicant

Block 14.08, Lot 3

Mr. Jerry J. Dasti, Esquire represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Photo of existing stairs and landing on subject home, #A-2, Copy of Tax Map of subject property, #A-3, Final As built Map of Survey/Variance Plan prepared by Gravatt Consulting Group dated November 18, 2016 with the latest revision dated November 21, 2016, #A-4 and Letter to the Board from Jerry J. Dasti, Esq., dated December 15, 2016, #B-1. Mr. Dasti stated that a seventy square foot entry way was allowed by Township Ordinance and that an eighty-two square foot entry was constructed. He noted that the additional decking was three feet by four feet. Mr. Dasti stated that the entry and stairway were over nine feet from the street.

The Public Session was closed.

The Board noted that the request was minimal.

Moran moved, seconded by VanBuren to approve the application as submitted. The following roll call vote was recorded: Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Moran and Jones all voted YES.

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Under **New Business**, the Board discussed proposed Ordinance #17-01C. The Board was in support of the Ordinance as written and approved same, by voice vote.

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Pingaro moved, seconded by Roth to approve the Professional Fee Schedules submitted for 2017. The following roll call vote was recorded: Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Moran, Jones and Roth all voted YES.

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The Board approved the payment of the Board Attorney and Board Engineer bills.

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The meeting was adjourned at 8:55 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN