

BRANT BEACH, NEW JERSEY  
JULY 12, 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. A. P. Sicheri, 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: **Mrs. V.E. Applegate, J.C. Konnor, J. A. Leonetti, E. J. Hummel as Mayor’s Designee, R. Pingaro, R. S. VanBuren, and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **R. H. Bayard, Mayor J. H. Mancini and D.S. Southwick.**

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

Alternate members of the Board absent: **P. M. Moran.**

Also present were the following: **Mr. A.P. Sicheri, Esq., Board Attorney, F. J. Little, Jr., P.E., P.P., Board Engineer, Mrs. L. C. Krueger, Secretary for the Board/Commission and Mrs. S. L. Bongiovani, Clerk.**

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(Tape #652 - Side 1)

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

**1. #LUB-26-17: JOZANOVIC (Block 4.24, Lot 10) 1608 Beach Avenue, North Beach Haven:** Mr. Sicheri stated that the application would be carried to the August 9, 2017 meeting due to insufficient notice.

**2. #LUB-27-17: TYMIAK/ACKERMAN (Block 18.79, Lots 3 & 4) 1079 C Long Beach Boulevard, North Beach:** Mr. Sicheri stated that the applicant requested amending a prior subdivision approval so as to eliminate a portion of the private easement and create a turnaround. Mr. Sicheri stated that the applicants must obtain a quitclaim deed recorded in the Ocean County Clerk’s Office from the two other property owners on the easement.

**3. #LUB-28-17: PLUNKETT (Block 14.17, Lots 19 & 20) 7601 Long Beach Boulevard, Beach Haven Crest:** Mr. Sicheri stated that the applicant proposed to demolish the existing commercial and residential structures so as to create two new single family building lots. Mr. Sicheri noted that the proposal required subdivision approval, bulk variances for lot area, frontage and depth as well as design waivers.

2. **#LUB-29-17: SKIPPER (Block 15.105, Lot 1.02) 4300 H Long Beach Boulevard, Brant Beach:** Mr. Sichiari stated that the application would be carried to the August 9, 2017 meeting due to lack of notice.

4. **#LUB-30-17: MARYLAND AVENUE PARTNERS, LLC (Block 7.09, Lots 10.01 & 25) 7 West Maryland Avenue, Beach Haven Terrace:** Mr. Sichiari stated that the applicant requested minor subdivision approval to demolish the existing home and to create two single family residential building lots. Mr. Sichiari noted that proposed lot 25.01 was a flag shaped lot and that the staff which fronted Pennsylvania Avenue would require a variance for lot frontage.

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

1. **#LUB-12-17: HOLGATE MARINE SERVICES, LLC** – Resolution of Denial moved by **Jones**, seconded by **VanBuren**. The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.
2. **#LUB-18-17: DIBIANCA** – Resolution of Approval moved by **Jones**, seconded by **Hummel**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, VanBuren and Jones** all voted **YES**.
3. **#LUB-24-17: PSM REAL ESTATE, LLC** – Resolution of Approval moved by **Applegate** seconded by **Hummel**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, VanBuren, Jones and Roth** all voted **YES**.
4. **#LUB-25-17: JTF PARTNERS, LLC** – Resolution of Denial moved by **Leonetti**, seconded by **VanBuren**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell and VanBuren** all voted **YES**.
5. **#LUB-19-17-PFA: BRANT BEACH YACHT CLUB** – Resolution of Approval moved by **Pingaro** seconded by **Leonetti**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Pingaro and Jones** all voted **YES**.

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

Mrs. Schnell and Mr. VanBuren stepped down from the Board and Mr. Konnor stepped in as chairperson for the following application:

(1) **#LUB-28-17                    BEACH HAVEN CREST**

**RICHARD E. PLUNKETT**  
Owner & Applicant  
Block 14.17, Lots 19 & 20

**Mr. James S. Raban, Esquire of Haven Beach, NJ, represented the Applicant and evidence was marked as follows:** Application and Attachments, **#A-1**, Minor Subdivision Map prepared by Horn, Tyson & Yoder, Inc. dated November 16, 2016, **#A-2**, Two page Architectural drawings for Lot 19.01 prepared by Craig W. Brearley, A.I.A. Architect dated May 4, 2017, **#A-3**, Three page Architectural drawings for Lot 20.01 prepared by Craig W. Brearley, A.I.A. Architect dated May 9, 2017, **#A-4**, Correspondence from Raban and Raban dated July 11, 2017, Re: Affidavit from Kurica waiving deficiency of Notice, **#A-5**, and review letter to the Board prepared by Frank J. Little, Jr., P.E. dated July 5, 2017, **#B-1**. Mr. Raban stated that the subject property contained the Wizard of Odds Antique Store and a two story dwelling that had a partial commercial use as well. He stated that the applicants proposed to demolish the structures and construct a new conforming single family dwelling on each of the lots. Mr. Raban stated that at one time there was a commercial presence on each of the four corners and that this was the only one left. He noted that the existing structures were not flood compliant and that the lots were substandard but in character with other lots in the neighborhood.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc.** was sworn and described the existing property and the proposed plans to the Board. Mr. Brzozowski stated that the commercial aspect had left the area and he felt that it was primarily due to flooding of the area and that the absence of other commercial entities made it hard to maintain commercial on the property. Mr. Brzozowski addressed Mr. Little's review letter. He stated that he did not think that it was a viable commercial property and therefore the proposed was to construct single family homes on the lots. He compared the proposed lots to existing lots on the street. Mr. Brzozowski stated that the proposed subdivision would not have a negative impact on the surrounding properties and would fit in well with the neighborhood. Flooding in the area was discussed.

**Mr. Richard Plunkett, Owner and Applicant** was sworn and stated that the property had originally been two lots and that he had merged them to gain more parking. He stated that the oldest building dated back to 1910.

**Mr. Malom P. Laird of 1 East Hobart Avenue** was sworn and testified that he felt that the applicant had caused the problem himself by consolidating the lots and was not in favor of the application.

**Ms. Barbara Bishop of 7 East Jeanette Avenue** was sworn and testified as to her concerns with flooding and parking. The grading plan was discussed.

**Mr. Arnold Katz of 11 East Culver Avenue** was sworn and testified that he was not in favor of the subdivision as proposed.

**Mr. Alfred Cho of 15 East Culver Avenue** was sworn and testified that he was not in favor of the application.

**(Tape #652 – Side 2)**

**Ms. Elizabeth Smirden of 8 East Culver Avenue** was sworn and testified that she was not in favor of the application.

**Mr. Frank LaRacca of 9 East Culver Avenue** was sworn and testified that he felt the

proposed properties were undersized and that he was not in favor of the application.

**Ms. Debra Worley of 32 East Culver Avenue** was sworn and testified as to her concerns with density and was not in favor of the application.

**The Public Session was closed.**

Mr. Raban addressed the parking and flooding issues that were raised. He requested that the application be approved as submitted.

The majority of the Board felt that the creation of two undersized lots was not in keeping with the Master Plan and were not in favor of the elimination of the commercial use. Other members of the Board felt that two smaller homes would be preferable and fit into the neighborhood better than one large home.

**Roth moved, seconded by Applegate to DENY the application as submitted.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Pingaro and Roth** all voted **YES**. **Hummel and Jones** voted **No**. **The motion carried.**

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**Mrs. Schnell and Mr. VanBuren returned to the Board for the following applications:**

(2) **#LUB-27-17** **NORTH BEACH**

**ADRIENNE A. TYMIAK AND DAVID A. ACKERMAN**

Owners & Applicants

Block 18.79, Lot 3

**Mr. Stuart Snyder, 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 February 16, 2017, **#A-2**, Revised Variance Map prepared by Horn, Tyson & Yoder, Inc. dated June 14, 2017, **#A-3**, and review letter from Frank J. Little, Jr, P.E. dated July 6, 2017, **#B-1**. Mr. Snyder stated that the applicants had owned the existing duplex for twenty years. He noted that the owners proposed to eliminate the portion of the 20 foot private road that ran through lot 3 and that the 5 foot walkway easement would be maintained. He stated they were requesting a modification of the subdivision map and that variances were not required. He noted that the proposed turnaround would be established as an easement for the three property owners on the tract eliminating the balance of the 15 foot right of way, easterly of the turnaround. Mr. Sicheri stated that would be necessary to clear up the title.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc.** was sworn and described the existing property and the proposed plans to the Board. Mr. Brzozowski stated that the 20 foot easement would be removed and replaced with the turnaround with the 5 foot wide walkway easement to remain. He stated that this would allow the applicant to demolish the existing home and reconstruct in essentially the same footprint. It was noted that the new structure would not be a duplex. Mr. Little stated that he did not see a problem with the application as a walkway easement and turnaround were being provided.

**The Public session was closed.**

The Board felt that the application was straightforward but it was noted by Mr. Sicheri that a quitclaim deed be obtained from the owners of lots 1 and 2 vacating the 20 foot easement which extended across lot 3 and filed in Ocean County.

**Pingaro moved, seconded by Applegate to approve the application with a condition to file a quitclaim deed or an agreement vacating the easement, be filed with the Ocean County Clerk. The following roll call vote was recorded: Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, VanBuren, Jones and Roth all voted YES.**

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**(3) #LUB-30-17 BEACH HAVEN TERRACE**

**MARYLAND AVENUE PARTNERS, LLC**

Owner & Applicant

Block 7.09, Lots 10.01 & 25

**Mr. James Raban, Esquire of Haven Beach, NJ represented the applicants and evidence was marked as follows:** Application and Attachments, #A-1, Minor Subdivision map prepared by Nelke/Tyszka Land Surveyors, LLC dated June 7, 2017, #A-2 and review letter to the Board prepared by Frank J. Little, P.E. dated July 5, 2017, #B-1. Mr. Raban submitted two photographs, marked #A-3. Mr. Raban stated that the applicants proposed a two lot subdivision which had a total square footage of 13,000 feet. He noted that the lots were conforming with the exception of a twenty-five foot wide flag portion of the property that fronted on Pennsylvania Avenue which required a variance and waiver.

**(Tape #653 – Side 3)**

The Board discussed the photographs submitted. Mr. Raban stated that there were discussions to sell the staff portion of the property fronting Pennsylvania Avenue to one of the neighbors.

**Mr. Leon J. Tyszka, PLS of Nelke/Tyszka Land Surveyors, LLC in Ship Bottom, NJ** was sworn and described the existing property to the Board. He stated that any structures built on the property would conform to all bulk requirements. Mr. Tyszka addressed Mr. Little's review letter with the Board. Mr. Tyszka stated that both driveways would front Maryland Avenue. The Board felt that the applicant should maintain a twenty foot front yard setback on each lot.

**Mr. John Patrick Cullinane of 18 W. Pennsylvania Avenue** was sworn and asked whether a home could be built on the twenty-five foot portion on Pennsylvania Avenue and the Board replied no.

**Mr. Keith McAvoy of 15 West Maryland Avenue** was sworn and asked if the lot sizes and frontage were conforming and the Board replied yes.

**The Public session was closed.**

Mr. Raban requested that the application be approved as submitted.

The Board felt that the subdivision was appropriate for the neighborhood as long as a twenty foot front yard setback was maintained.

**Pingaro moved, seconded by Jones to approve the application with the condition that a twenty foot front yard setback be maintained.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.

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Under **New Business**, the Board discussed proposed Ordinance **#17-29C**. The Board voted by voice vote to approve of the Ordinance as written.

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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 8:40 P.M.

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**LYNNE J. SCHNELL**  
**CHAIRMAN**

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**JEFFREY C. KONNOR**  
**VICE CHAIRMAN**