

**BRANT BEACH, NEW JERSEY  
AUGUST 9, 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: **J.C. Konnor, J. A. Leonetti, E. J. Hummel as Mayor’s Designee, D.S. Southwick, R. S. VanBuren, and Mrs. L. J. Schnell presiding.**

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

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, Mrs. L. C. Krueger, Secretary for the Board/Commission and Mrs. S. L. Bongiovani, Clerk.**

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**(Tape #654 - 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 a triplex use currently existed on the property and that the applicants proposed to raise and construct an addition and elevator on the front structure. Mr. Sicheri noted that bulk and special reasons variances were required as well as site plan approval or a waiver from the requirements of site plan approval.

**2. #LUB-31-17: AGOGLIA (Block 14.07, Lot 12) 7812 Bayview Avenue, Beach Haven Crest:** Mr. Sicheri stated that the applicants had constructed a deck connecting the garage to the principal structure without obtaining a permit. Mr. Sicheri noted that a bulk variance would be required for the side yard setback as the garage would now become part of the principal structure. Mr. Sicheri stated that the notice was sufficient.

**3. #LUB-29-17: SKIPPER (Block 15.105, Lot 1.02) 4300 H Long Beach Boulevard, Brant Beach:** Mr. Sicheri stated that the application had been carried from the July 12, 2017 meeting. He noted that the appellant was appealing the issuance of a fence permit by the Zoning Officer on the

adjacent property owned by the Grbeljas. Mr. Sicheri stated that the permit was issued on April 18, 2017 and that the appellants received notice of the permit on May 17, 2017 in a letter from the respondent's attorney. He noted that the Municipal Land Use Law stated that an appeal must be filed within 20 days from the issuance of a permit or from the date that the objector learned that the permit was issued. Mr. Sicheri stated that the appeal was not filed until June 21, 2017 but that the fence had not yet been constructed. Mr. Sicheri stated that if the Board decided to go ahead that the Board must decide whether the permit was issued correctly by the Zoning Officer.

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Minutes of the meeting held June 14, 2017 were presented for approval. **Roth** moved, seconded by **VanBuren** for adoption. **Konnor, Leonetti, Hummel, Schnell, VanBuren, Jones and Roth** all voted **YES**.

Minutes of the meeting held July 12, 2017 were presented for approval. **Jones** moved, seconded by **Konnor** for adoption. **Konnor, Leonetti, Hummel, Schnell, VanBuren, Jones and Roth** all voted **YES**.

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

1. **#LUB-27-17: TYMIAK and ACKERMAN** – Resolution of Approval moved by **Jones**, seconded by **Hummel**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Schnell, VanBuren, Jones and Roth** all voted **YES**.
2. **#LUB-28-17: PLUNKETT** – Resolution of Denial moved by **Roth**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti and Roth** all voted **YES**.
3. **#LUB-30-17: MARYLAND AVENUE PARTNERS, LLC** – Resolution of Approval moved by **Hummel**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Schnell, VanBuren, Jones and Roth** all voted **YES**.

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

Mr. Hummel stepped down from the Board for the following application:

(1) **#LUB-26-17** **NORTH BEACH HAVEN**

**NENAD AND KIM JOZANOVIC**

Applicants

**NENAD AND KIM JOZANOVIC**

**STJEPAN AND ROSMILA JOZANOVIC**

Owners

Block 4.24, Lot 10

**Mr. James S. Raban, Esquire of Haven Beach, NJ, represented the applicants and evidence was marked as follows:** Application and Attachments, #A-1, Variance Plan prepared by Horn, Tyson & Yoder, Inc. dated April 1, 2017 with a revision date of April 18, 2017, #A-2, Three page Architectural drawings prepared by Craig W. Brearley, A.I.A. Architect dated April 17, 2017, #A-3, Letter to the Board from James S. Raban, Esq. dated May 16, 2017, Re: Amendment to Application, #A-4 and Plans retitled Site Plan prepared by Horn, Tyson & Yoder, Inc. dated April 1, 2016 revised July 19, 2017 along with cover letter from James Raban, Esq. dated July 26, 2017, #A-5. Mr. Raban stated that a three dwelling use existed on the property, consisting of a small duplex in the rear and a single family home in the front. Mr. Raban stated that the applicant proposed an addition to the rear of the front structure consisting of a two story addition over the deck as well as an elevator shaft on the southerly side of the building. Mr. Raban stated that the cooking facilities could be eliminated on the first floor unit of the rear duplex but there was no functional way to install interior stairs.

**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 it was proposed to raise the front building two feet above the base flood elevation and construct an addition within the footprint of the structure and over an existing deck. Mr. Brzozowski stated that an elevator was also proposed on the front structure that would require variances. Mr. Raban stated that a shed had been installed in the area of the pavers which would be removed if the application was to be approved. Mr. Brzozowski stated that there was adequate parking for six vehicles.

It was noted that the rear building would still be considered a duplex if interior stairs were not installed. The conversion of the rear duplex structure to a single family home was discussed.

Mr. Brzozowski submitted a packet of photographs of the site, marked #A-6. Mr. Brzozowski stated that the proposed location of the elevator was adjacent to the living area. The Board felt that the proposed elevator could easily be relocated to the rear of the property where the air conditioner platforms were located.

**Mr. Craig Brearley, Architect** was sworn and testified that it was feasible to move the elevator shaft to where the air conditioner platforms were located but that moving it to the north was not. Mr. Brearley stated that the proposed third story would not be finished at this time.

Mr. Brzozowski stated that a site plan was required when there were more than two dwelling units on the property. He noted that the applicants were requesting a waiver from site plan development as the site was fully developed with two buildings. He stated that the majority of the development was in the existing footprint of the structure and that the parking was noted on the Site Plan.

**Mr. Nenad Jozanovic, one of the owners of the property,** was sworn and testified that the property was the year round residence of his family and parents. He stated that the proposed elevator was for his parents and wife to gain access to the raised building. Mr. Jozanovic stated that the recently installed shed would be removed from the property.

**(Tape # 654 – Side 2)**

**The Public Session was closed.**

Mr. Raban stated that the application would be revised to move the proposed elevator shaft to the rear, south side of the building to the location of the air conditioner compressors. He noted that the cooking facilities could also be removed from the first floor of the rear building if the Board so required.

While some members of the Board felt that the proposal was too much for the property others felt that if the elevator shaft were moved to the rear of the structure, so that the distance between structures would be increased, they would not have a problem with the application.

**Roth moved, seconded by Jones to DENY the application as submitted.** The following roll call vote was recorded: **Konnor, Leonetti, Schnell, Southwick and VanBuren** all voted **NO**. **Jones and Roth** voted **YES**. **The motion failed to pass.**

**Leonetti moved, seconded by Konnor to approve the application with the conditions that the elevator shaft be relocated so that it was fifteen feet from the structure to the west and that the shed be removed.** The following roll call vote was recorded: **Konnor, Leonetti, Schnell, Southwick and VanBuren** all voted **YES**. **Jones and Roth** voted **NO**. **The motion carried and the application was approved.**

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**Mr. Hummel rejoined the Board and Mr. Leonetti stepped down from the Board for the following application:**

(2) #LUB-31-17 BEACH HAVEN CREST

**WILLIAM & MARIA AGOGLIA**

Owners & Applicants

Block 14.07, Lot 12

**Mr. James Raban, Esquire of Haven Beach, NJ represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1**, Variance Map prepared by Nelke, Constantine & Associates, Inc. dated June 15, 2017, **#A-2**, Waiver request from the requirement that Architectural Drawings be submitted dated July 19, 2017, **#A-3**, One photograph of the existing home, **#A-4**, As-Built Survey prepared by Nelke, Constantine & Associates, Inc. dated June 15, 2017, **#A-5** and Notice of Violation and order to terminate dated July 13, 2017, **#B-1**. Mr. Raban stated that the property had been before the Board in 2014 at which time the applicants received approval to raise the principal structure and add a deck to the rear of the structure. Mr. Raban noted that there was not a rear staircase exiting from the deck. He stated that the applicants had constructed a landing that connected the garage deck to the rear deck of the principle structure so that they could exit the rear deck by way of the staircase on the garage. He noted that the applicant was not aware that a permit was required for the construction.

**Mr. Jeffrey Daum, P.E., P.P. with the firm of Nelke, Constantine and Associates, Inc. in Tuckerton, NJ** was sworn and qualified. Mr. Daum described the existing property. Mr. Daum stated that the applicants had received prior approval from the Board to construct the rear deck

when the house was raised. He noted that there were not stairs to the ground from that deck so the applicant connected it to the deck on the detached garage which has a staircase to the ground. He stated that there was room in the rear yard to construct another staircase but that it would require a lot coverage variance. It was noted that since the two structures were connected that the garage became part of the principle structure and therefore required variances from side yard setback and distance between principle structures.

The Board noted that installing a spiral stair would solve the problem. Mr. Daum felt that the connecting platform had no impact on the surrounding properties and that the platform was de minimus.

**Mr. William Agolia, owner** was sworn and testified that he was improving the property and that he had built the platform. He noted that there had not been an issue with the permit on the prior application.

**The Public session was closed.**

Mr. Raban stated that there was no impact to surrounding properties and that the Board could restrict any addition to the garage as a condition of approval.

The Board felt that approving the application would allow construction over the garage without the limitations imposed on accessory structures and that a spiral stair would allow access to the ground.

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

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**Mr. Leonetti rejoined the Board and Mr. Roth stepped down from the Board for the following application:**

**(3) #LUB-29-17 BRANT BEACH**

**DEBRA SKIPPER**

Applicant

**CHRIS GRBELJA**

Owner

Block 15.105, Lot 1.02

**Mr. Richard M. King, Jr., Esquire of Somers Point, New Jersey represented the applicant and evidence was marked as follows:** Application and Attachments, **#A-1**, Map of Survey prepared by Standish Surveying dated June 5, 2007, **#A-2**, letter from Richard M. King, Jr., Esq., re: Skipper vs. Grbelja, Re: Complaint and Jury Demand, **#A-3**, and letter to the Board from John L. VanHorne III, Esq., together with exhibits 1 thru 5, **#R-1**.

**Mr. Richard M. King, Jr., Esquire** stated that he felt that the Board had jurisdiction to hear

the appeal as the fence had not yet been constructed and therefore the appeal had been filed in a timely manner.

**(Tape #655 – Side 3)**

**Mr. John VanHorne, Esquire of Englewood, NJ** represented the respondents, Mr. and Mrs. Grbelja. Mr. VanHorne stated that the fact that the fence was not constructed did not constitute a waiver of time. He stated that a formal notification that the fence was to be constructed on June 5<sup>th</sup>, 2017 was sent to the Skippers on May 17, 2017. He stated that there was never an agreement to toll the time frame.

Mr. Sicheri stated that since the fence had not yet been constructed that no reliance on the permit had occurred. He noted that the Board would have the right to hear the appeal and if the Board decided that the appeal was filed in a timely manner that the appellant must prove that the permit was issued improperly.

The Board was polled as to whether the application was to be heard. **Konnor, Leonetti, Hummel, Schnell, Southwick, VanBuren and Jones** all voted **YES**. The Board decided to hear the application.

**Mr. Craig R. Hurlis, P.E., P.P., with the firm of Pollistina and Associates, Egg Harbor Township, New Jersey** was sworn and qualified. Mr. Hurlis submitted a poster board with a series of photographs, a survey and a Google Map of “Bay Way” easement, marked **#A-4**. Mr. Hurlis described the easement, the applicant’s property and the subject property. Mr. Hurlis discussed the fence ordinance. He stated that the fence ordinance addressed fences fronting on public right-of-ways but not setbacks for easements. Mr. Hurlis noted that a rectilinear turnaround was not provided on the access easement and the Board noted that the subdivision predated the ordinance cited for rectilinear turnarounds. Mr. Hurlis stated that the proposed fence was on the Grebalja’s property line and did not encroach into the easement.

Mr. King stated that because there was a pedestrian easement within part of the access easement that the fence would make it tricky for emergency vehicles and his client’s vehicles to access his client’s property. Mr. Sicheri stated that streets and easements are both referred to as thoroughfares by definition in the Ordinance. Mr. Sicheri noted that he did not see where the interpretation that a fence cannot abut an easement was valid. Mr. King stated that it was not safe or appropriate to interpret the Ordinance to allow a fence in an already congested area all the way up to the property or easement line.

**Mr. Robert B. Roth, Jr. of 4300 Long Beach Boulevard** was sworn and testified that a fire truck would drive down and then back out of the easement. He noted that there were other fences between homes along the easement.

**The Public session was closed.**

Mr. King stated that he appreciated the Board’s consideration.

**(Tape #655 – Side 4)**

The Board noted that the subdivision had existed as is, without a turnaround, for many years. They stated that they had not heard anything to make them overturn the issuance of the fence permit by the Zoning Officer and that the owner had the right to install the fence on their own property.

**Hummel moved, seconded by Jones to DENY the appeal of the issuance of the fence permit by the Zoning Officer. The following roll call vote was recorded: Konnor, Leonetti, Hummel, Schnell, Southwick, VanBuren and Jones all voted YES.**

**Mr. Roth rejoined the Board for the remainder of the meeting.**

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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 9:10 P.M.

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

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