

**BRANT BEACH, NEW JERSEY
DECEMBER 13, 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, E.J. Hummel as Mayor’s Designee, J.A. Leonetti, R. Pingaro, D.S. Southwick, R. S. VanBuren, and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **R.H. Bayard and Mayor J.H. Mancini.**

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

Alternate members of the Board absent: **R. B. Roth, Jr.**

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 #661 - Side 1)

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

1. #LUB-27-17(A): TYMIAK AND ACKERMAN (Block 18.79, Lots 3 and 4) 1079 C Long Beach Boulevard, North Beach: Mr. Sicheri stated that the applicants had previously been before the Board and had obtained approval to permit a turnaround and the consolidation of the two lots. The Board required that the easement be vacated and the applicants were unable to obtain such from the neighbors along the easement. The applicants were now requesting that the proposed structure be allowed to encroach into the easement.

2. #LUB-38-17: MEISNER AND McGUIRE, (Block 14.05, Lots 1, 25 and 26) 7913 Long Beach Boulevard and 1 East Surf Avenue, Beach Haven Crest: Mr. Sicheri stated that the applicants proposed a minor subdivision with bulk variances so as to permit the demolition of the existing structures and the creation of three single family residential building lots. A design waiver was also required for lot width in the new subdivision.

3. **#LUB-39-17: JONES AND HOOVEN (Block 18.08, Lots 5.01 and 5.02) 44 Sherwood Way, North Beach:** Mr. Sicheri stated that the applicant proposed to subdivide the property into two conforming single family building lots. He noted that the easement would be extended and that the existing riparian lot would remain with the bay front lot.

4. **#LUB-40-17: ZANGER (Block 10.26, Lot 5) 123 E. Idaho Avenue, Haven Beach:** Mr. Sicheri stated that the applicant proposed to raise the existing structure and add a one story addition which required a bulk variance for height.

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Minutes of the meeting held November 8, 2017 were presented for approval. **Southwick** moved, seconded by **Hummel** for adoption. **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick and VanBuren** all voted **YES**.

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

1. **#LUB-36-17: CASTALDO** – Resolution of Approval moved by **Southwick**, seconded by **VanBuren**. The following roll call vote was recorded: **Applegate, Konnor, Hummel, Leonetti, Pingaro, Schnell, Southwick and VanBuren** all voted **YES**.
2. **#LUB-37-17: WILLOW POND LP** – Resolution of Approval moved by **Hummel**, seconded by **Applegate**. The following roll call vote was recorded: **Applegate, Konnor, Hummel, Pingaro, Schnell, Southwick and VanBuren** all voted **YES**.
3. **#LUB-32-17-PF: ISLAND’S END, LLC** – Resolution of Approval moved by **Southwick**, seconded by **Konnor**. The following roll call vote was recorded: **Applegate, Konnor, Schnell, Southwick and VanBuren** all voted **YES**.

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

(1) **#LUB-38-17** **BEACH HAVEN CREST**

**DONALD MEISNER and
KELLY MCGUIRE**
Owners & Applicants
Block 14.05, Lots 1, 25 and 26

Mr. James S. Raban, Esquire of Haven Beach, New Jersey represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Minor Subdivision map prepared by Horn, Tyson and Yoder, Inc. dated April 28, 2017, **#A-2**, Three page architectural plans prepared by Nilsen Architecture dated October 16, 2017, **#A-3**, and, review letter to the Board prepared by Frank J. Little, Jr., P.E. dated December 5, 2017, **#B-1**. Mr. Raban stated that the corner property contained a duplex that encroached into the site triangle as well as two other

The Public Session was closed.

The Board noted that they would not have a problem with the additional extension of the easement as the subdivision created only one additional lot.

Moran moved, seconded by Southwick to approve the application subject to the conditions of the Board Engineer's review letter. The following roll call vote was recorded: Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren and Moran all voted **YES**.

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(3) #LUB-27-17(A) NORTH BEACH

ADRIENNE A. TYMIAK AND DAVID A. ACKERMAN

Owners & Applicants

Block 18.79, Lots 3 and 4

Mr. Stuart Snyder, Esquire of Surf City, NJ represented the applicant and evidence was marked as follows: Application and Attachments, **#A-4**, and, Variance Map prepared by Horn, Tyson & Yoder, Inc. dated February 16, 2016 with the latest revision dated November 14, 2017, **#A-5**. Mr. Snyder stated that the 20 foot private road with a five foot walk way easement ran from the Boulevard to the Ocean. Mr. Snyder stated that the prior application, which created a turnaround, required as a condition of approval that the applicants obtain a quitclaim deed vacating the 20 foot wide easement that currently extended across the property and maintain the 5 foot wide walkway easement. Mr. Snyder stated that the applicants were unable to obtain the quitclaim deed and were now requesting a variance to construct a single family home substantially in the same footprint as the existing duplex. The Board noted that the home would encroach into the easement.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the proposed plans to the Board. Mr. Brzozowski stated that the location of proposed home had been approved by CAFRA. He noted that the nonconforming rear yard setback would be eliminated and that the encroachment into the easement would be 2.9 feet. Mr. Snyder submitted a survey from 1998 showing the current home encroaching into the easement, marked **#A-6**. It was noted that an additional deck was proposed that would also encroach into the easement and Mr. Brzozowski stated that they would request a zero foot setback so that the deck would not encroach into the easement.

(Tape #661 – Side 2)

Mr. Sicheri stated that any construction encroaching into the easement would be at the full risk to the applicant. Mr. Snyder stated that the applicant would indemnify the Township harmless and stated that the applicants were requesting to rebuild the house where it currently existed in a portion of the easement that had not been used for years. Mr. Sicheri stated that there could be a case for adverse possession but that the Board could not take that into consideration as it was a legal issue.

Mr. David Ackerman, owner, was sworn and testified that the property had been acquired in 1998 and that the home had been constructed in 1967. He stated that it was proposed to build a new home in the same location and the CAFRA approval had been obtained. He stated that there was no plan to build a deck that would encroach into the easement. The Board discussed with Mr. Ackerman different options regarding the property and construction. The encroachment into the easement was discussed. A zero setback from the easement was discussed.

The Public session was closed.

Mr. Sicheri stated that if the application were approved the applicant would need to hold the town harmless.

Some members of the Board felt that if the applicants would indemnify the Board and the town harmless that they would not have an issue with the application as the new home was being built in the same footprint. They noted that the new structure would be a single family home reducing density and complying with building codes. Other members of the Board felt that approval should be given for a variance to allow for a zero lot line along the easement.

Moran moved, seconded by Konnor to approve the application with the condition that if the size of the house was reduced, a bulk variance would be approved for a zero lot line from the easement and that if the structure was built to encroach into the setback then the applicants would indemnify the town and the Board harmless. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Schnell, VanBuren and Moran** all voted **YES.** **Pingaro and Southwick** voted **NO.**

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(4) #LUB-40-17 HAVEN BEACH

JOHN F. AND BONNIE C. ZANGER

Owners & Applicants
Block 10.26, Lot 5

Mr. James Raban, Esquire of Haven Beach, New Jersey represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance map prepared by Horn, Tyson & Yoder, Inc. dated August 8, 2017 with the latest revision dated November 16, 2017, **#A-2**, and Architectural drawings prepared by Studio Tagland Designs, LLC dated November 6, 2017, **#A-3.** Mr. Raban stated that the existing home was built in 2001 and that it was proposed to raise the structure and construct a new first floor addition. Mr. Raban stated that in doing so, 15% of the roof would exceed the permitted height and result in a roof height of 38.9 feet where 36 feet was permitted.

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. Mr. Brzozowski stated that it was proposed to elevate the existing structure and construct a ground floor below. He stated that raising the home would bring it into compliance with Chapter 94, Flood Damage Prevention, of the Township Code which required that the first elevated floor of an oceanfront home have the pilings extended to an elevation of between 21 and 26 feet.

It was noted that the allowable height of oceanfront structures had been increased twice since Super Storm Sandy. The Board asked whether the roofline could be altered and Mr. Brzowski stated that the applicants liked the roofline and felt that it was attractive.

(Tape #662 – Side 3)

The Board discussed other areas to expand the house and Mr. Brzowski stated that whether any further expansion would be allowed would have to be checked out with CAFRA.

Mr. David Gaffin of Studio Tagland Designs, LLC, Beach Haven Terrace, NJ was sworn and described the proposed plans to the Board. Mr. Gaffin pointed out to the Board the three peaked areas of the roof that would exceed the height limit.

Mr. John Zanger, owner was sworn and testified that the motivation for renovating and enlarging the home was their growing family. He stated that it would change the entire look of the house to flatten the roof and that a roof top deck would have to be constructed to compensate for it. The Board discussed the proposed plans.

The Public Session was closed.

Mr. Raban stated that the home would be brought into compliance with Chapter 94 of the Code and that only a small portion of the roof would be above the height limitation. He requested that the application be approved as submitted.

The Board stated their concerns with increasing the height of the home and thought that the request for the increased height was excessive. The Board felt that a roof deck with an open railing system would not be as obtrusive as a solid structure.

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

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Under **New Business**, the Board discussed proposed Ordinance **#17-43C** and voted by voice vote to approve the Ordinance as written. The Board discussed proposed Ordinance **#17-44C**, Curbing and Driveways and voted to support the Ordinance but suggested that the wording of “permitted” be changed to “required” and that raised curbs and curb cuts be required for all Resale C.O’s as well.

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Under **Discussion** the Board discussed the **2017 Comprehensive Master Plan Update**. Mr. Little stated that the proposed Master Plan 10 year Update had been completed. Mr. Little distributed a sheet of bullet points regarding the Update and discussed them with the Board.

(Tape #662 – Side 4)

Konnor moved, seconded by Pingaro to approve the 2017 Master Plan Update and adopt the Resolution approving same. The following roll call vote was recorded: Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Moran and Jones all voted YES.

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

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Mr. Patrick Moran announced to the Board that he would not be serving another term on the Board. The Board members wished Mr. Moran well.

The meeting was adjourned at 9:00 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN