

BRANT BEACH, NEW JERSEY
JULY 11, 2018

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. Sichi, 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, 2018 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, 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: **R.L. Jones, R.B. Roth, Jr. and R.J. Stewart.**

Alternate members of the Board absent: **B. R. Farias.**

Also present were the following: **Mr. A.P. Sichi, Esq., Board Attorney, Mr. F.J. Little, Jr., P.E., P.P., Board Engineer and Mrs. S. L. Bongiovani, Clerk.**

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(Tape #670 - Side 1)

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

1. #LUB-8-18: RECINE (Block 12.18, Lot 15) 128 East Sand Dune Lane, Peahala Park: Mr. Sichi stated that the application had been held over from the April meeting and that the applicants proposed to demolish the existing single-family home and construct a new single family home which required a bulk variance for side yard setback.

2. #LUB-14-18: WEAVER (Block 11.12, Lots 17 & 18) 110 East Lillie Avenue, Beach Haven Park: Mr. Sichi stated the applicant proposed to subdivide the property into two single family residential lots which required minor subdivision approval. Mr. Sichi noted that it was proposed to demolish the existing structure and to construct two conforming single family homes.

3. #LUB-15-18: CHIVAS-LACY (Block 15.103, Lot 2) 4403 Ocean Boulevard, Brant Beach: Mr. Sichi noted that the applicants proposed to demolish the existing home and construct a new single family home which required a bulk variance for combined side yard setback.

4. #LUB-16-18: CONTESSA (Block 4.31, Lot 8) 127 East 17th Street, North Beach Haven: Mr. Sicheri noted that the applicants proposed to demolish the existing duplex and construct a new three story duplex which required bulk variances for distance between structures and combined yard setback as well as a special reasons variance.

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Minutes of the meeting held June 13, 2018 were presented for approval. **Roth** moved, seconded by **Konnor** for adoption. **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, VanBuren, Jones, Roth and Stewart** all voted **YES**.

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

1. #LUB-13-18: SWEENEY/DOLAN – Resolution of Denial moved by **Hummel**, seconded by **VanBuren**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.

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

(1) **#LUB-14-18** BEACH HAVEN PARK

LAURA A. WEAVER
Owner and Applicant
Block 11.12, Lots 17 and 18

Mr. Stuart Snyder, Esquire of Surf City, NJ represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Minor Subdivision Plan prepared by Nelke/Tyszka Land Surveyors, LLC dated March 23, 2017, **#A-2**, and, review letter to the Board from Frank J. Little, Jr., P.E. dated July 3, 2018, **#B-1**. Mr. Snyder noted that the subdivision did not require bulk variances in accordance with the subdivision ordinance. He noted that the applicant proposed to demolish the existing structures and construct a conforming single-family home on each of the new lots. Mr. Snyder stated that the applicant would comply with all of the requirements of the Board Engineer’s review letter, receive approval from all outside agencies and post the required Bond.

Mr. Little stated that he did not have any concerns with the proposed subdivision but that there were curbs and sidewalks in the neighborhood and asked that the applicant continue them.

Mr. Philip Stern of 112 East Lillie Avenue was sworn and stated his concerns with parking and fire safety and was not in favor of the application. The Board noted that the applicant was not requesting any variances at this time.

The Public Session was closed.

Mr. Snyder stated that the applicant was not requesting variances at this time and that the subdivision was conforming.

The Board stated that the curb and sidewalks existing in front of the property should be replaced if determined by the Township Engineer, as there were curbs and sidewalks existing along the street.

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

Mr. Little stepped down from the Board for the remainder of the evening.

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(2) #LUB-8-18 PEAHALA PARK

FRANK AND LORRIE RECINE

Owners & Applicants
Block 12.18, Lot 15

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 Horn, Tyson and Yoder, Inc. dated October 12, 2017 with a revision date of March 19, 2018, **#A-2**, a photograph of the existing home, **#A-3** and, waiver of architectural requirements requested by James Raban, Esq., dated March 20, 2018, **#A-4**. Mr. Sicheri stated that **#A-1** through **#A-4** were marked at the April 11, 2018 meeting and that the following additional evidence submitted would be marked: Letter to Board from James S. Raban, Esq., dated June 27, 2018, **#A-5**, revised Variance Map prepared by Horn, Tyson and Yoder, Inc., dated October 12, 2017 with the latest revision dated June 19, 2018, **#A-6**, and, three page Architectural Plan prepared by Craig W. Brearley, A.I.A. dated June 19, 2018, **#A-7**. Mr. Raban stated that the applicants now proposed to remove the home and construct a new dwelling in the same footprint that the applicant had previously proposed when they had planned to raise, renovate and relocate the home. Mr. Raban stated that the new proposal required one variance for setback to East Sand Dune Lane.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and testified that he had prepared the revised variance plan. He described the oceanfront property and noted that the existing structure had several nonconformities. He stated that the applicant proposed to tear down the existing home and construct a new home essentially in the same footprint but 2.7 feet wider. He stated that the applicant was seeking a variance to maintain a setback of ten feet from Sand Dune Lane and that the homeowner was seeking to gain more outdoor living space on the east side of the home. He stated that the proposal would eliminate encroachments to the west and south. The Board discussed the proposed parking on the property and the alignment of the proposed new home with the home to the west. It was noted that since the existing home was being demolished there was an opportunity to bring the new structure into compliance. Mr. Brzozowski suggested that the air conditioner units could be placed on top of the shower stall to allow for more parking.

Mr. Frank Recine, applicant was sworn and testified that he had purchased the property in 2017 and that with the amount of work the current home required it would make sense to rebuild the home.

(Tape #670 – Side 2)

Mr. Recine stated that the existing oceanfront deck was only six feet wide and submitted a photograph of the lower deck, marked **#A-8**. Mr. Recine described the proposed decks. Mr. Recine submitted a photograph of the Oceanside of the home, marked **#A-9**.

Mr. Mario Giovatto and Mrs. Mary Beth Giovatto of 124 East Sand Dune Lane was sworn and testified that they were not in favor of the application. Mr. Giovatto submitted a copy of his survey, marked **#O-1**. He stated that his home originally had a ten foot front yard setback but when he rebuilds he complied with the fifteen foot required setback. Mr. Giovatto stated that when the applicant rebuilt he should comply with the fifteen foot setback. He submitted a photograph of both properties, marked **#O-2**. Mr. Giovatto submitted photographs of the two properties as they exist and the existing parking on the subject property, marked **#O-3**. He submitted four photographs showing how his view would be further obstructed with the proposed home, marked **#O-4**.

Mr. Ken Daledda of 9001 Beach Avenue was sworn and testified that he was not in favor of the application noting that the homes on the street maintain a prevailing setback and that the proposed home would extend further out.

Mr. Barnett Hoffman of 118 East Sand Dune Lane was sworn and testified as to the history of the property. Mr. Hoffman submitted photographs of the subject property from his property, marked **#O-5 and #O-6**. Mr. Hoffman was not in favor of the proposal and that there was no hardship.

Mr. Raban stated that due to the location of the building line that there was less than 2,200 square feet of buildable lot area, which was less than the minimum lot size of 3,000 square feet. Mr. Raban noted that a desirable visual environment would be created by the new structure.

It was noted that the home could be renovated and maintain the current nonconformities.

(Tape #671 – Side 3)

The Board noted that the proposed home was not in alignment with others along the street and that with new construction could be brought into conformity. The Board stated its concerns with the property being located next to a busy beach access and street end.

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

The Board took a five-minute recess.

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(3) #LUB-15-18 BRANT BEACH

CHIVAS-LACY, LLC
Owner and Applicant
Block 15.103, Lot 2

Mr. Richard Visotcky, Esquire of Manahawkin, NJ represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Horn, Tyson and Yoder, Inc. dated December 21, 2015 with the latest revision date of June 8, 2018, #A-2, and, three page architectural drawing prepared by Craig W. Brearley, A.I.A. dated June 6, 2018, #A-3. Mr. Visotcky stated that Heather Cave was the sole owner of Chivas-Lacy, LLC and that she had purchased the property from her parents approximately six years ago. Mr. Visotcky stated that the applicant proposed to demolish the existing home and construct a new single family home. Mr. Visotcky stated that the new structure would conform to all setbacks except for combined side yard setbacks. He stated that the minimum side yard setbacks would be met.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and testified that he had prepared the variance plan. He described the current conditions of the oceanfront property and noted that the applicant proposed to tear down the existing home and construct a new single family home. He noted that the combined side yard setback for this property was seventeen feet due to the width of the property and that thirteen feet was proposed. Mr. Brzozowski stated that the lot coverage would still be well below the maximum coverage permitted. He stated that the lot was adjacent to the unimproved portion of 44th Street and that the home could be built at the width proposed and still maintain light, air and open space. Mr. Brzozowski submitted a photograph of the property, marked #A-4. He stated that the proposed home was fourteen and a half feet wider than the existing home. It was stated that ample parking would be provided. Mr. Pingaro stated that he had calculated the combined side yard setback to be 16.1 feet but that a variance would still be required.

The uniformity of alignment along the oceanfront was discussed. Mr. Pingaro noted that the proposed impervious coverage was over what was allowed and Mr. Brzozowski stated that the applicant would comply with the impervious coverage requirements.

The Public Session was closed.

The Board discussed the application and noted that since the applicant was removing the existing structure that the proposed new structure could comply with the combined side yard setback requirement.

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

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

(4) #LUB-16-18 NORTH BEACH HAVEN

ANTHONY N. AND MONICA CONTESSA

Owners and Applicants
Block 4.31, Lot 8

Mr. Richard Visotcky, Esquire of Manahawkin, NJ represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Horn, Tyson and Yoder, Inc., dated October 17, 2017 with the latest revision of June 12, 2018, **#A-2**, and, two page architectural drawing prepared by Craig W. Brearley, A.I.A., dated June 5, 2018, **#A-3**. Mr. Visotcky stated that a two story duplex currently existed on the small lot and that the applicants proposed a new duplex in its place. Mr. Visotcky stated that the current structure had seven nonconformities and that it was proposed to reduce the footprint of the building and eliminate five of the nonconformities. Mr. Visotcky stated that the lot coverage would be brought into nonconformity. He stated that the use variance was required because a duplex was proposed.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and testified that he had prepared the variance plan. He described the current conditions of the property and outlined the existing nonconformities on the property. Mr. Brzozowski submitted photographs of the property, marked **#A-4 and #A-5** and described the photographs. He noted that the applicant proposed to demolish the existing duplex and construct a new duplex structure which required bulk variances for front yard setback and distance between structures. He stated that the new structure would be in alignment with the home to the west and that the distance between structures would be improved.

(Tape #671 – Side 4)

Mr. Brzozowski stated that the distance between structures would be nine feet to the mechanical room. It was pointed out that the location could be a fire hazard and that a variance would be required for the mechanical room. Mr. Brzozowski stated that the front yard setback was remaining the same and was the least impactful variance. He noted that the new structure would be safer, meet all of the FEMA requirements and would better the off street parking.

Mr. Craig Brearley, Registered Architect of Manahawkin, NJ was sworn and testified that there was not another location for the mechanical room and that the only way to get more distance between structures would be to reduce the size of the room. The Board stated their concerns with fire safety and the proposed distance between the structures. Mr. Brearley stated that the room could be fire rated for safety and noted that they were utilizing the exemption allowed for mechanical rooms because of the small lot size. Mr. Visotcky asked to amend the application to allow for a four by eight fire rated mechanical room.

Ms. Katharine Shackleton, Esquire of Ship Bottom, New Jersey, represented Christina Reynolds of lot 7, adjoining property owner to the west. Ms. Shackleton stated that her client was not in favor of a duplex structure noting her concerns with extra traffic, parking and backing out onto Atlantic Avenue. She stated that her client would prefer that there was not a utility room.

The Public Session was closed.

Mr. Visotcky stated that the existing duplex was proposed to be replaced with a new, safer, duplex structure with reduced nonconformities and would be much more compliant with the Township Code.

While some members of the Board felt that the structure could be brought into conformity and that the proposal would increase density and parking, other members felt that the parking would be improved noting that the removal of the proposed mechanical room would increase the distance between structures and improve parking on that side of the building.

Leonetti moved, seconded by Southwick to approve the application with the stipulation that the utility room be moved inside the structure. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, Southwick and VanBuren** all voted **YES**. **Applegate** voted **NO**. **The motion carried.**

Mr. Hummel rejoined the Board for the remainder of the evening.

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Under **Discussion** the Board chose a committee for the Year End Report.

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

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Under **Correspondence** the Board discussed the requests for an extension of time for the Meisner (LUB-38-17) and Jones/Hooven (LUB-39-17) applications. The Board approved the Extensions by voice vote.

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The meeting was adjourned at 9:45 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN