

**BRANT BEACH, NEW JERSEY  
SEPTEMBER 12, 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. 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, 2018 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, R.S. VanBuren, D.S. Southwick, 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: **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. Sicheri, Esq., Board Attorney, Mr. F.J. Little, Jr., P.E., P.P., Board Engineer, Mrs. L.C. Krueger, Secretary and Mrs. S. L. Bongiovani, Clerk.**

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**(Tape #674 - Side 1)**

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

Mr. Sicheri noted that three of the applications were located on the same property at 7700 Long Beach Boulevard, Beach Haven Crest which was currently improved with a four unit condo in the commercial zone. He noted that three of the unit owners were requesting a waiver from the site plan requirements and a special reasons variance to permit the construction of a deck on each unit. Mr. Sicheri stated that a letter had been received from Mr. Raban stating that the sizes of the proposed decks were reduced to eliminate the need for a parking variance. The applicants are as follows:

- 1. #LUB-17-18: HEALY (Block 14.12, Lots 8 and 9, Unit D) 7700 Long Beach Boulevard, Beach Haven Crest:** The owners of Unit D requesting a second story deck;
- 2. #LUB-18-18: MARTIN (Block 14.12, Lots 8 and 9, Unit A) 7700 Long Beach Boulevard, Beach Haven Crest:** The owners of Unit A requesting a first floor deck; and

3. **#LUB-21-18: BRIDGES (Block 14.12, Lots 8 and 9, Unit B) 7700 Long Beach Boulevard, Beach Haven Crest:** The owners of Unit B requesting a second story deck.

4. **#LUB-20-18: WORDEN AND FERRI (Block 11.31, Lots 6 and 7) 17 and 21 Jerome Avenue, Beach Haven Park:** Mr. Sicheri stated that applicants proposed to subdivide a strip of property from lot 6 and attach it to lot 7. It was noted that variances were not required.

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Minutes of the meeting held July 11, 2018 were presented for approval. **Roth** moved, seconded by **Konnor** for adoption. **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones, Roth and Stewart** all voted **YES**.

Minutes of the meeting held August 8, 2018 were presented for approval. **Hummel** moved, seconded by **Southwick** for adoption. **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, Roth and Stewart** all voted **YES**.

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

1. **#LUB-19-18: MANGHISI** – Resolution of Approval moved by **Hummel**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, Roth and Stewart** all voted **YES**.

2. **#LUB-21-15(B): LEONETTI** – Resolution of Approval moved by **Hummel**, seconded by **Pingaro**. The following roll call vote was recorded: **Konnor, Hummel, Pingaro, Schnell, Roth and Stewart** all voted **YES**.

3. **#LUB-34-15-PF: TOUCHSTONE, LLC** – Resolution of Extension moved by **Pingaro** seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell and Southwick and Stewart** all voted **YES**.

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

(1) **#LUB-20-18                      BEACH HAVEN PARK**

**GEORGE AND BARBARA WORDEN  
JAMES EDWARD AND LISA FERRI**

Owners and Applicants  
Block 11.31, Lots 6 & 7

**Mr. Robert Kiss, Esquire of Surf City, NJ represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1**, Minor Subdivision Map prepared by Horn, Tyson and Yoder, Inc., dated February 2, 2018, with a revision date of June 27, 2018, **#A-2**, and, Review letter to the Board from Frank J. Little, Jr., P.E. dated September 6, 2018, **#B-1**. Mr.

Kiss stated that the applicants proposed to subdivide a 12 foot by 80 foot section from lot 6 and attach it to existing lot 7. Mr. Kiss stated that the lots will be more appropriately configured per the Township's Zoning Ordinances. Mr. Kiss noted that he had received Mr. Little's review letter.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and described the location and current conditions of the property. Mr. Brzozowski stated that 12 feet of the eighty foot lot would be added to the forty foot lot. He noted that the new lots would not require variances as they met the criteria of the Ordinance Section 176-27. Mr. Brzozowski stated that there were existing nonconformities on the lots that would not be affected by relocating the property line. The proposed curb and sidewalk were discussed.

**The Public Session was closed.**

The Board felt that the proposal would be an improvement to the neighborhood with no corresponding detriment.

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

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**Mr. Little and Mr. Hummel stepped down from the Board for the evening.**

**(2) #LUB-17-18 BEACH HAVEN CREST**

**STACY & JOHN HEALY**  
Owners and Applicants  
Block 14.12, Lots 8 & 9, Unit D

**Mr. James Raban, Esquire of Haven Beach, NJ represented the applicant and evidence was marked as follows:** Application and Attachments, **#A-1**, Survey prepared by Nelke/Tyszka Land Surveyors, LLC dated April 15, 2010, **#A-2**, Survey prepared by Ramirez Engineering, Consulting Civil Engineers dated May 24, 2018, **#A-3**, two page architectural drawing provided by the homeowner dated July 14, 2018, **#A-4**, letter from Carole Chappelle, President of the 7700 Long Beach Boulevard Condo Association dated May 4, 2018, **#A-5**, letter from James S. Raban, Esq. dated August 22, 2018 Re: revised evidence, **#A-6**, Site Plan prepared by Ramirez Engineering dated May 24, 2018 with the latest revision dated August 20, 2018, **#A-7**, two page Architectural Drawing provided by the homeowner dated August 16, 2018, **#A-8**. Mr. Sicheri stated that although evidence had been marked at the last meeting that no testimony had been heard regarding the application. Mr. Raban submitted photographs of the property, marked **#A-9**.

**Mr. John W. Lord, P.E., P.P., of Toms River, New Jersey** was sworn and described the photographs submitted. Mr. Raban stated that a revised site plan had been submitted and that the deck in the rear of the property had been reduced to ten feet by ten feet and no longer encroached into a parking space, therefore no longer required a parking variance on the site. Mr. Raban submitted a copy of a Site Plan prepared by Ramirez Engineering revised to reflect the proposed ten by ten foot deck, marked **#A-10**. Mr. Raban stated that even though the change in the

proposed deck was for Unit B, the entire site was being addressed because a waiver of site plan review was being requested. The Board discussed the existing parking.

Mr. Raban stated that for this upper unit, the deck would be built to match the existing deck below.

Mr. Lord discussed the overall site and stated that the parking existed as it was originally approved. The Board discussed the relocation of the existing trash bin.

Mr. Sicheri stated that if the Board approved the application, the applicants would have to amend the Condominium Deed to reflect the changes granted.

The condominium units were discussed and it was noted that the deck would provide an additional means of egress from Unit D.

**(Tape #674 – Side 2)**

**Mr. and Mrs. John Healy, applicants and owners of Unit D** were sworn. Mr. Healy stated that the units were small and the deck would give them additional space. He stated that they would install a roll out fire stairs from the deck to have an additional means of egress.

**Ms. Deidre Martin, Esquire** represented objectors Matthew Garamone and Adrienne Booth of 11 West Hobart Avenue and noted that her clients were objecting to all three decks. Ms. Martin read a letter from her client stating their objections to the application. She stated that a grade level deck that had been installed impacted the parking and asked whether there were actually eight parking spaces existing. Ms. Martin stated her concerns with the emergency egress and that the existing nonconformities would be expanded upon with the deck additions.

**The Public Session was closed.**

Mr. Raban stated that the proposed deck would help with the safety concerns and noted that the building had contained four units before it became a four unit condominium. It was noted that a waiver of the site plan requirements and Mr. Sicheri stated that as a condition of the waiver that the ground level deck be removed and that the trash enclosure be removed from the existing parking space. Mr. Raban stated that the applicant would not be opposed to a deed restriction that the deck not be enclosed.

The Board noted that the site plan should be amended to reflect what was on the original site plan prepared by Mr. Tyszka by moving the trash corral and removing the grade level deck. The Board noted that the deck on this application mirrored the existing deck below and would be in favor of the application. It was agreed that the trash corral could be located under the existing outdoor staircase.

**(Tape #675 – Side 3)**

**Jones moved, seconded by Pingaro to approve the application with a waiver of the site plan requirements conditioned upon the following: 1. That the ground level deck in the rear being removed; 2. That the parking spaces be returned to those found on the Nelke/Tyszka**

site plan; That a deed restriction be in place; 3. That the deck never be enclosed; and; 4. That the trash corral be relocated under the steps on the Hobart Avenue side. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, Southwick, VanBuren and Jones** all voted YES.

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**Mr. Southwick stepped down from the Board for the following application:**

**(3) #LUB-18-18 BEACH HAVEN CREST**

**KENNETH M. & NORA A. MARTIN**

Owners & Applicants

Block 14.12, Lots 8 & 9, Unit A

**Mr. James Raban, Esquire of Haven Beach, NJ represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1**, Survey prepared by Nelke/Tyszka Land Surveyors, L.L.C, used to establish the Condominium dated April 15, 2008 with the latest revision of September 12, 2008, **#A-2**, Survey prepared by Ramirez Engineering dated May 24, 2018, **#A-3**, One page Architectural Plan provided by the homeowner dated April 28, 2018, **#A-4**, letter from Carole Chappelle, President of the 7700 Long Beach Boulevard Condo Association dated May 4, 2018, **#A-5**, letter from James S. Raban, Esq. dated August 22, 2018 Re: revised evidence, **#A-6**, Site Plan prepared by Ramirez Engineering dated May 24, 2018 with the latest revision dated August 20, 2018, **#A-7**, Rear view of deck prepared by Roger Johnson of RJ Construction Services, LLC, **#A-8**, letter to the Board from James S. Raban, Esq. dated September 12, 2018 Re: Amendment to the application reducing deck of Unit A size from 12 feet to 10 feet, **#A-9**. Revised Site Plan prepared by Ramirez Engineering dated September 12, 2018, **#A-10**. Mr. Raban stated that the Martins were the owners of Unit A, on the first floor of the Condominium.

**Mr. John W. Lord, P.E., P.P., of Toms River, New Jersey** was sworn. Mr. Raban submitted two photographs of the Boulevard and rear side of the structure marked, **#A-11**. Mr. Lord described the photographs submitted. Mr. Raban stated that the proposed ten by twelve deck had been reduced to a ten by ten open deck that would not impact the parking on the site and therefore not require a parking variance. Mr. Lord stated that the deck would not conflict with the existing bank of electrical meters. Mr. Lord stated that this was the only exit from the unit onto a landing, and that the proposed deck would be safer for ingress and egress. Mr. Lord stated that there would be no increase in density on the property.

The parking on the site was discussed.

**Mr. Robert Johnson, Licensed Builder in the State of New Jersey** was sworn and testified that he had prepared the deck plan and discussed the footing for the proposed deck and the deck above which was not part of this application.

**Ms. Deidre Martin, Esquire** represented objectors Matthew Garamone and Adrienne Booth of 11 West Hobart Avenue and restated the objection to the grade level deck and trash corral.

**Mr. Kenneth M. Martin, owner and applicant** was sworn and testified that this was the only

entrance to his unit.

**The Public Session was closed.**

The Board noted that the deck would not affect the preexisting eight parking spaces and would improve quality of life with outdoor living space but still had concerns about the parking on the site.

**Leonetti moved, seconded by Jones to approve the application as amended with a ten foot by ten foot deck with a waiver of the site plan requirements conditioned upon the following: 1. That ground level deck in the rear being removed; That the parking spaces be returned to those found on the Nelke/Tyszka site plan; 3. That a deed restriction be in place that the deck never be enclosed; and; 4. That the trash corral be relocated under the steps on the Hobart Avenue side.** The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**. **Konnor** voted **NO**.

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**The Board took a five-minute recess.**

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**Mr. Southwick rejoined the Board for the remainder of the evening.**

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**(3) #LUB-21-18 BEACH HAVEN CREST**

**ANDREW & KRISTIN BRIDGES**

Owners & Applicants

Block 14.12, Lots 8 & 9, Unit B

**Mr. James Raban, Esquire of Haven Beach, NJ represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1**, Survey prepared by Nelke/Tyszka Land Surveyors, L.L.C, used to establish the Condominium dated April 15, 2008 with the latest revision of September 12, 2008, **#A-2**, Deck drawing by Roger Johnson of RJ Construction Services dated April 28, 2018, **#A-3**, Site Plan prepared by Ramirez Engineering dated May 24, 2018, **#A-4**, letter from Carole Chappelle, President of the 7700 Long Beach Boulevard Condo Association dated July 20, 2018, **#A-5**, Rear view of deck prepared by Roger Johnson of RJ Construction Services, LLC, **#A-6**, letter to the Board from James S. Raban, Esq. dated September 12, 2018 Re: Amendment to the application reducing deck size of unit from 12 feet to 10 feet, **#A-7**. Revised Site Plan prepared by Ramirez Engineering dated September 12, 2018, **A-8**. Mr. Raban stated that the Bridges were the owners of Unit B, on the second floor of the Condominium. Mr. Raban submitted photographs of the property, marked **#A-9**.

**Mr. John W. Lord, P.E., P.P., of Toms River, New Jersey** was sworn and described the photographs submitted. Mr. Lord stated that the applicants were proposing a ten by ten deck to match the deck below with a walkway that would mirror the stairs below. He stated that the deck

would be an increased safety measure in case of fire.

**Mr. Andrew Bridges, owner and applicant** was sworn and testified that he was the owner of Unit B and that the outdoor space would allow for more living area and improved safety.

**Ms. Deidre Martin, Esquire** represented objectors Matthew Garamone and Adrienne Booth of 11 West Hobart Avenue and restated the objection to the grade level deck and trash corral. Ms. Martin also stated concerns with safety and egress.

Mr. Bridges stated that they would obtain the building permit within nine months and was aware of the time constraints.

**The Public Session was closed.**

The Board noted that the proposed deck would be in the same footprint as the deck below which had just been approved and would be in favor of the application.

**Leonetti moved, seconded by Jones to approve the application as amended with a ten foot by ten foot deck with a waiver of the site plan requirements conditioned upon the following: 1. That ground level deck in the rear being removed; That the parking spaces be returned to those found on the Nelke/Tyszka site plan; 3. That a deed restriction be in place that the deck never be enclosed; and; 4. That the trash corral be relocated under the steps on the Hobart Avenue side.** The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, Southwick, VanBuren and Jones** all voted **YES**. **Konnor** voted **NO**.

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The meeting dates for 2019 were discussed and approved by the Board by voice vote.

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

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**Konnor** moved seconded by **Roth** requesting that the Checklist be revised to require sealed Architectural Plans for multi-family and commercial structures. The motion was approved by voice vote.

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The meeting was adjourned at 9:25 P.M.

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

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