

BRANT BEACH, NEW JERSEY
OCTOBER 10, 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., R.J. Stewart, 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, Mrs. L.C. Krueger, Secretary and Mrs. S. L. Bongiovani, Clerk.**

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(Tape #676 - Side 1)

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

1. #LUB-22-18: ROCUSH (Block 14.12, Lot 7) 7704 Long Beach Boulevard, Beach Haven Crest: Mr. Sichi stated that the applicants proposed to demolish the existing single family residence and construct a new single family home which required bulk variances for side yard setback, combined side yard setback and distance between structures.

2. #LUB-23-18-PF: MAXWELL/DAVIES (Block 1.48, Lots 34 and 34.01) 83 Tebco Terrace, Holgate: Mr. Sichi stated that the applicants proposed five single family residences along with a marina which required major and preliminary site plan approval as well as special reasons and bulk variances. Mr. Sichi stated that if granted he would advise to require a deed restriction restricting subdividing the proposed residences.

3. #LUB-24-18: COLMAN (Block 8.06, Lot 12) 18 West Dune Lane, Dunes: Mr. Sichi stated that the applicants proposed to connect the existing garage to the existing single family

home with the construction of a second story addition above the garage. Mr. Sicheri noted that since the garage would become part of the primary structure, bulk variances would be required for front yard setback, lot coverage and distance between structures.

4. #LUB-25-18-PF: MEYER SHORE, LLC (Block 5.23, Lot 15) 2517 Long Beach Boulevard, Spray Beach: Mr. Sicheri stated that applicants proposed to convert a single family use into a four unit multi-family use which required preliminary and final site plan approval as well as special reasons and bulk variances.

5. #LUB-26-18: KLINE (Block 20.39, Lots 1.02 and 1.03) 39B Long Beach Boulevard, Loveladies: Mr. Sicheri stated that applicants proposed to construct and attach a two car garage to a single family home currently under construction which required a bulk variance for combined side yard setbacks.

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

1. #LUB-17-18: HEALY – Resolution of Approval moved by **Pingaro**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, Southwick, VanBuren and Jones** all voted **YES**.

2. #LUB-18-18: MARTIN – Resolution of Approval moved by **Pingaro**, seconded by **Jones**. The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.

3. #LUB-20-18: WORDEN, EDWARDS and FERRI – Resolution of Approval moved by **Southwick** seconded by **Hummel**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones and Roth** all voted **YES**.

4. #LUB-21-18: BRIDGES – Resolution of Approval moved by **Jones** seconded by **Southwick**. The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, Southwick, VanBuren and Jones** all voted **YES**.

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Minutes of the meeting held September 12, 2018 were presented for approval. **Roth** moved, seconded by **Hummel** for adoption. **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones, Roth and Stewart** all voted **YES**.

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

(1) #LUB-22-18 BEACH HAVEN CREST

SCOTT & KAREN ROCUSH
Applicants

JOHN & NANCY MALAK

Owners

Block 14.12, Lot 7

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 March 1, 2018, #A-2, and, Two page Architectural drawings prepared by Craig W. Brearley, A.I.A. Architect dated June 22, 2018, #A-3. Mr. Visotcky stated that the applicants were the contract purchasers of the property. He stated that the existing structure, which is below base flood elevation, had been damaged by Super Storm Sandy and that the applicants proposed to construct a new single family home. Mr. Visotcky noted that the thirty foot wide lot was burdened by other developed properties around it and that the lot coverage would be brought into conformity.

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 discussed the grandfathering of the lot and Mr. Sicheri stated that the lot would require a variance for lot width but not area. Mr. Brzozowski discussed the proposed setbacks and noted that it was proposed to center the twenty foot wide structure on the lot which would result in a five foot wide setback on either side of the structure. He suggested that the setbacks could be six foot off the south line and four foot off the north line. Mr. Brzozowski stated that the proposed structure was wider than the existing structure so the home would look less narrow on the lot. Mr. Visotcky submitted photographs of the property, marked #A-4. Mr. Brzozowski described the photographs. It was noted that currently two parking spaces were existing and that three were proposed. Fire rating the side walls was discussed.

Mr. Craig Brearley, Registered Architect of Manahawkin, NJ was sworn and described the proposed architectural plans to the Board. Mr. Brearley stated that the new structure would be out of the flood zone.

Mr. John McCaffrey of Spray Beach was sworn and noted his concerns with the sound system.

The Public Session was closed.

While some members of the Board felt that the application was reasonable given that proposed home was within the permitted lot coverage, other members had concerns with the size of the proposed home, the proposed setbacks and distance between structures. The Board noted the large rear yard could be utilized and that the proposed structure could be designed to better the setbacks.

Leonetti moved, seconded by Hummel to approve the application with the following conditions: 1. that the proposed home does not exceed 18.3 feet in width with one third lot coverage; 2. Side yard to be 4 feet on the north side; and 3. Revised plans to be submitted.

The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren and Jones** all voted YES.

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(Tape #676 - Side 2)

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

(2) **#LUB-24-18 DUNES**

JEAN M. COLMAN

Owner and Applicant

Block 8.06, Lot 12

Mr. James Raban, Esquire of Haven Beach, NJ represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Plot Plan/Variance Plan prepared by Gravatt Consulting Group dated August 14, 2018, **#A-2**, Two page Architectural Drawings prepared by Craig W. Brearley, A.I.A. Architect dated September 17, 2018, **#A-3**, Mr. Raban stated that the applicant proposed to attach the principal structure located five feet behind the garage in the front yard and add a second story above. Mr. Raban stated that variances were triggered because the garage would become part of the principal structure and no longer an accessory structure.

Mr. Bruce Jacobs, with Gravatt Consulting Group was sworn and qualified. Mr. Gravatt described the property to the Board. He noted that the proposal would trigger variances for front yard setback, lot coverage and distance between structures. Mr. Jacobs stated that there was adequate provision for air, light and open space. Mr. Raban submitted photographs of the property, marked **#A-4**. Mr. Jacobs noted that allowable lot coverage would be exceeded by seventy square feet.

Mr. Craig Brearley, Registered Architect of Manahawkin, NJ was sworn and described the proposed architectural plans to the Board. The Board noted that the garage could be relocated and stated their concerns with the foundation of the garage. Mr. Brearley noted that the garage was a viable structure that could be utilized and that the foundation could be modified. He noted that there were other homes in the neighborhood with similar connections.

Jean Colman, Owner was sworn and testified that they had purchased the property twenty years ago and proposed the addition to accommodate their growing family. She stated that the proposed addition would not impede on the property to the west.

The Public Session was closed.

The Board noted their concerns with the garage supporting a second story addition and noted that installing pilings and locating the garage closer to the house would meet the applicant's needs without the necessity of variance relief.

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

The Board took a five-minute recess.

Mr. Southwick rejoined the Board.

(Tape #677 – Side 3)

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(3) #LUB-26-18 LOVELADIES

THOMAS R. KLINE
Owner & Applicant
Block 20.39, Lots 1.02 & 1.03

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 & Yoder, Inc. dated August 24, 2018 with the latest revision dated September 11, 2018, #A-2, Three page Elevations and Floor Plans prepared by Musgnug & Associates, #A-3, Two page Framing & Plans prepared by Musgnug & Associates, #A-4. Mr. Raban stated that the existing structure was currently under construction and was permitted. Mr. Raban stated that after the building permit was issued for the main structure the applicant decided that he wanted a garage addition. Mr. Raban noted that the garage addition did not conform and that they were now before the Board for approval to see if it could be added to the prior plan. Mr. Raban stated that the proposal required a combined side yard setback variance.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing property and that the applicant proposed a garage with living above to be attached to the westerly side of the home. Mr. Brzozowski stated that because of the requirement that 30% of frontage be maintained for combined side yard setbacks, the total combined side yard setback required was 61.9 feet. He noted that 45.1 feet was proposed for which a variance was requested. Mr. Brzozowski stated that the lot was uniquely large. Mr. Brzozowski stated that the garage would comply if it was detached without living area above. He noted that there would be plenty of light and air surrounding the building.

The Public Session was closed.

The Board felt that there was an opportunity to make the structure more conforming since this was new construction. The Board noted that the proposed garage could be located closer to the main dwelling to make the structure more conforming and that the required combined side yard setbacks were proportionate to the lot.

Hummel moved, seconded by Pingaro 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.**

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Mr. Hummel, Mr. Konnor and Mr. Jones stepped down from the Board for the following application:

Mr. Snyder, Esq. requested that the Maxwell/Davies application be held over.

(4) #LUB-23-18-PF HOLGATE

SEAN MAXWELL AND MARK W. DAVIES

Applicants

HOLGATE MARINE SERVICES, LLC

Owners

Block 1.48, Lots 34 & 34.01

Mr. Stuart Snyder, Esquire of Surf City, New Jersey addressed the Board on behalf of the applicants. Mr. Snyder requested that the application be carried due to an insufficient notice. Mr. Sicheri stated that he felt that the Board had jurisdiction but if Mr. Snyder was requesting to have the application carried due to a possible appeal then a waiver of time would need to be signed.

Mr. Ronald S. Gasiorowski, Esquire of Red Bank, New Jersey introduced himself to the Board and stated that he represented objectors to the application.

Southwick moved, seconded by Applegate to carry the application to the December 12, 2018 meeting without a fee. The following roll call vote was recorded: **Applegate, Leonetti, Pingaro, Schnell, Southwick, VanBuren and Roth** all voted YES.

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Mr. Leonetti, Mr. Hummel, Mr. Southwick and Mr. Jones stepped down from the Board for the following application:

(5) #LUB-25-18-PF SPRAY BEACH

MEYER SHORE, LLC

Applicant

MARIE MURPHY

Owner

Block 5.23, Lot 15

Mr. Stuart Snyder, Esquire of Surf City, NJ represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Two page Site Plan prepared by Dante Guzzi Engineering Associates dated September 17, 2018, **#A-2**, Plan of Survey & Topography prepared by Dante Guzzi Engineering Associates dated July 24, 2018, **#A-3**, Six page Architectural Drawings prepared by Craig W. Brearley, A.I.A. Architect dated September 13, 2018, **#A-4**, Stormwater Management Report prepared by Dante Guzzi Engineering Associates dated September 17, 2018, **#A-5**, Review Letter to the Board from Frank J. Little, Jr., P.E. dated October 2, 2018, **#B-1**. Mr. Snyder stated that Meyer Shore, LLC was the applicant and contract purchaser. He noted that the applicant proposed to demolish the existing structure and construct a four unit multi-family structure which was a conditional use in the zone. Mr. Snyder stated that the application required bulk and special reasons variances. Mr. Snyder noted that the new structure would be aesthetically pleasing, meet all FEMA and lot coverage requirements and be consistent with an adjacent condominium unit.

Mr. Dante Guzzi, Licensed Professional Engineer in the State of New Jersey and with the firm Dante Guzzi Associates was sworn and qualified. Mr. Guzzi described the existing property and the proposed plans to the Board. Mr. Guzzi stated that it was proposed to located the building closer to Long Beach Boulevard for more space for the adjacent dwellings and a storm water management plan was provided to make sure there was not a negative impact to neighboring properties. Mr. Guzzi described the proposed setbacks.

(Tape #677 – Side 4)

Mr. Guzzi stated that the current building housed two residential and one commercial use. Mr. Guzzi discussed Mr. Little's review letter including fencing, lighting and trash corrals.

Mr. Stephen Jaffe of 2501 Long Beach Blvd. adjacent unit owner, was sworn and testified as to trash collection and parking on the adjacent condominium property.

Mr. Craig Brearley, Registered Architect of Manahawkin, NJ was sworn and described the proposed architectural plans to the Board.

Ms. Tiffany A. Morrissey, Licensed Professional Planner in the State of New Jersey, was sworn and qualified. Ms. Morrissey addressed the Board as to the positive and negative criteria and why the variances were justified. Ms. Morrissey addressed the variances requested and the location of the proposed building with the parking provided. Ms. Morrissey stated that she felt that there was no substantial impairment to the zoning ordinance created by the proposal and would be an improvement given the existing structure on the property.

Chris Atlee, 2500 Long Beach Boulevard was sworn and testified as to his concerns with the traffic and where the owners will exit the parking lot, noting that there were businesses along the Boulevard in that area. Mr. Atlee described the uses that had existed on property noting that he was familiar with the building because he had lived there in the past.

(Tape #678 – Side 5)

Mr. Arthur Stahl of 9 East 26th Street was sworn and stated his concerns with the parking and drainage noting the area was busy with the businesses in the area.

Mr. David Parker of 11 East 27th Street was sworn and stated his concerns with parking.

Mr. Richard A. Harris of 19th Street was sworn and stated his concerns with density.

Mr. Elizabeth Sherman of 11 East 26th Street was sworn and stated that the neighborhood was too tight for the proposal.

Ms. Linda Walsh of 6 East 26th Street was sworn and stated that her concerns were that of her neighbors.

Mr. John McCarra of 111 East 26th Street was sworn and stated that the proposal would have a negative effect on the quality of life in the neighborhood.

Ms. Elaine Atlee, 2500 Long Beach Boulevard was sworn and testified that they had lived

on the property and that there was a small unit in the rear of the structure that she had occupied and that there was only one utility bill for the property.

The Public Session was closed.

Mr. Snyder stated that there was more than adequate parking on the site and that a commercial use would create more traffic and parking. He noted that the residential use had to adhere to greater setbacks. Mr. Snyder stated that he felt that this was a modest proposal.

The Board stated their concerns with the stacked parking in the garage and flooding in the area. The front yard setback dimension and the proposed density were discussed.

Mr. Snyder asked if the application could be carried to adjust the density and the side yard setback that was proposed and to allow time to submit new plans.

Mr. Snyder withdrew the application before the Board.

Mr. Southwick, Mr. Jones and Mr. Leonetti rejoined the Board.

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Under **New Business** the Board discussed proposed Ordinances #18-31C and #18-32C. The Board approved of the Ordinances by voice vote.

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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 10:18 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN