

**BRANT BEACH, NEW JERSEY
NOVEMBER 14, 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: **Mrs. V.E. Applegate, J.C. Konnor, 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: **J.A. Leonetti, 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 member 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 and Mrs. L.C. Krueger.**

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(Tape #699 - Side 1)

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

1. #LUB-27-18-PF: SWEENEY ENTERPRISES, LLC (Block 7.04, Lots 11 and 12) 6 East Maryland Avenue, Beach Haven Terrace: Mr. Sicheri stated that the applicant proposed to renovate the existing structure for year round use as a bar and restaurant which required preliminary and final major site plan as well as bulk and special reasons variance approval.

2. #LUB-28-18: WILSON (Block 14.07, Lot 21) 124 West Jeanette Avenue, Beach Haven Crest: Mr. Sicheri stated that the applicants proposed an addition to the existing deck on the westerly side of the single family home which required bulk variance for lot coverage.

3. #LUB-29-18: HEIMLICH (Block 15.03, Lot 22) 17 West Coghlan Avenue, Brant Beach: Mr. Sicheri stated that the applicants proposed to raise the existing single family home and construct an elevator shaft addition on the westerly side which required bulk variances for side yard setback, distance between structures and lot coverage.

4. #LUB-30-18: MARY E. MOODIE BY HER ATTORNEY IN FACT, CLIFFORD E. MOODIE (Block 20.64, Lot 13) 96 Panorama South, Loveladies: Mr. Sicheri stated that the applicant proposed a minor subdivision so as to create two conforming single family lots and to retain the existing single family home on lot 13.01 which required a side yard setback variance.

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

1. #LUB-22-18: ROCUSH - Resolution of Approval moved by **Hummel**, seconded by **Pingaro**. The following roll call vote was recorded: **Applegate, Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren and Jones** all voted **YES**.

2. #LUB-24-18: COLEMAN - Resolution of Denial moved by **Applegate**, seconded by **Hummel**. The following roll call vote was recorded: **Applegate, Konnor, Hummel, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.

3. #LUB-26-18: KLINE - Resolution of Denial moved by **Jones**, seconded by **Pingaro**. The following roll call vote was recorded: **Applegate, Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren and Jones** all voted **YES**.

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

Mr. Leonetti joined the Board.

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

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

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

(1) #LUB-28-18 BEACH HAVEN CREST

DONALD AND KATHLEEN WILSON

Owners and Applicants

Block 14.07, Lot 21

Mr. James S. 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 June 22, 2018, **#A-2**, and, three page Architectural Plan

prepared by Creative Minds Group Architecture, LLC dated September 18, 2018, #A-3. Mr. Raban stated that the applicants proposed a deck extension on the existing deck and shifting the staircase to the west. Mr. Raban stated that the proposal would increase the lot coverage by approximately 100 square feet and would require a lot coverage variance.

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 the current deck was a triangular shape and the extension would make the deck more usable. He noted that the deck would be a one story open deck.

Mr. Edward S. Gorleski of Creative Minds Group Architecture, LLC was sworn and testified that the overall structural integrity of the deck would be improved and the deck would be a safer structure.

The Public Session was closed.

Mr. Raban stated that there would be no impact to the surrounding neighbors caused by the proposal.

The Board felt that the existing deck was awkward and that the request to improve the deck was minimal.

Leonetti moved, seconded by Applegate 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**.

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(2) **#LUB-29-18** BRANT BEACH

JAMES C. AND PATRICIA L. HEIMLICH

Owners and Applicants

Block 15.03, Lot 22

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 East Coast Engineering, Inc. dated September 18, 2018, #A-2, Two page Architectural Drawings prepared by Craig W. Brearley, A.I.A. Architect dated September 19, 2018, #A-3, Mr. Raban stated that applicant proposed to raise the existing home and install an elevator shaft which required bulk variances due to the location of the existing home to the west. Mr. Raban stated that the proposed location was the most logical location for the elevator shaft.

Mr. Jason Marciano, with the firm of East Coast Engineering, Inc. of Toms River, NJ, was sworn and qualified. Mr. Marciano stated that the structure would be raised to allow for parking underneath and to get the structure above flood elevation. Mr. Marciano stated that bulk variances were required for side yard setback, and distance between structures and noted that the lot coverage would be over what is allowable by twenty-seven square feet. He stated that the proposed elevator was the bare minimum of five by five feet.

The Board discussed the location of the proposed elevator.

Mr. Craig Brearley, Registered Architect of Manahawkin, NJ was sworn and described the proposed architectural plans to the Board. Mr. Brearley submitted photographs of the kitchen area, marked **#A-4 and #A-5**. Locating the elevator shaft at the rear of the home with access through the kitchen was discussed.

(Tape #679 – Side 2)

Mr. and Mrs. James Heimlich, owners, were sworn. Mrs. Heimlich stated that this was their primary home and that with the raising of the house an elevator would be a necessity for them. The location of the proposed elevator was discussed.

The Board took a five-minute recess.

Mr. Raban requested that the elevator shaft be allowed to be relocated to the rear yard with entry through the kitchen. Mr. Raban noted that the only variance required would be for lot coverage. He asked that the application be approved with the change noting that revised plans would be submitted.

The Public Session was closed.

The Board noted that with the relocation of the proposed elevator to the rear of the home there would be no negative impact on the adjoining neighbors.

Konnor moved, seconded by Southwick to approve the application as amended relocating the elevator shaft to the rear yard with lot coverage of 34% and with the condition that revised plans 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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(3) #LUB-30-18 LOVELADIES

MARY E. MOODIE

Owner

MARY E. MOODIE BY HER ATTORNEY-IN-FACT,

CLIFFORD W. MOODIE

Applicant

Block 20.64, Lot 13

Mr. James Raban, Esquire of Haven Beach, NJ represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Minor Subdivision Map prepared by Horn, Tyson & Yoder, Inc. dated July 9, 2018, **#A-2**, and, letter to Board from Frank J. Little, Jr., P.E., dated October 30, 2018, **#B-1**. Mr. Raban stated that the applicant proposed to subdivide the property into two lots and retain the existing structure on lot 13.01 which required variances for the location of the structure on the lot. Mr. Raban submitted photographs of the property, marked **#A-3**.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing property. Mr. Brzozowski stated that the proposed lots conformed with the requirements of the zone but that the existing home had several preexisting nonconformities that would require bulk variances for front yard setback, side yard setback and combined side yard setback. Mr. Brzozowski stated that a new single family home would be constructed on the vacant lot that would meet all bulk requirements. Mr. Brzozowski submitted photographs of the existing structure, marked #A-4. Mr. Brzozowski stated that there would be no negative impact to the surrounding properties. Mr. Brzozowski reviewed Mr. Little's review letter and requested that the requirement for curbs and sidewalks on the property be waived.

Ms. Linda Duma of 97 Panorama South, Loveladies was sworn and asked if the existing house were torn down would the new structure have to adhere to the zoning requirements and the Board replied yes.

Sherry and John Marvac of 124 Laguna Drive, Loveladies were sworn and testified that they were directly opposite from the property and stated their concerns with the loss of their view. The Board noted that the new lot did not require variances.

(Tape #680 – Side 3)

The Public Session was closed.

The Board was in favor of the subdivision as the proposed lots were conforming lots.

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

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The Board took a five-minute recess.

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

(4) #LUB-27-18-PF BEACH HAVEN TERRACE

SWEENEY ENTERPRISES, LLC

Applicant

STEVEN R. EISENBERG

Owner

Block 7.04, Lots 11 and 12

Mr. Thomas Monahan, Esquire with the firm of Gilmore and Monahan, P. A. of Toms River, NJ represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Site Plan prepared by Horn, Tyson and Yoder, Inc. dated December 11, 2017, #A-2, Landscape Plan prepared by Reynolds Landscaping, Inc., dated September 12, 2018, #A-3, One page photograph of existing structure submitted by applicant, #A-4, One page architectural

plan prepared by Michael H. Strunk, Architect. LLC dated September 19, 2018, #A-5, Review Letter to the Board from Frank J. Little, Jr., P.E. dated October 2, 2018, #B-1, and revised Review Letter (as to block and lot) to Board from Frank J. Little, Jr., P.E. dated October 2, 2018, #B-2. Mr. Monahan stated a site plan, bulk variance and use variance were required. He noted that within the split lot, a portion of lot 12 was in the residential zone therefore requiring the use variance. Mr. Monahan stated that the existing building was now vacant and had been used for residential and storage. He stated that the residential component would be gone and the building would now be used for a restaurant.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing property. Mr. Brzozowski stated that it was proposed to use the apartment area located in the residential zone as a twenty seat restaurant, that four spaces would be provided for off street parking and that a bike rack would be provided on the east side of the property. He noted that this area of Long Beach Township was within a business center. Mr. Brzozowski stated that the building would receive a face lift and have a more aesthetically pleasing appearance. Mr. Monahan and Mr. Brzozowski reviewed the Board Engineer's letter. The Board discussed the proposed parking and the proposed intensification of use of the property. The Board noted that the goal would be to get the majority of the commercial part of the business into the commercial zone.

(Tape 680 – Side 4)

Ms. Toby Sweeney, Applicant was sworn and testified that she also operated the Terrace Tavern and the Oyster House that were adjacent to the subject property. Ms. Sweeney submitted a poster board of photographs, marked #A-6. Ms. Sweeney described the proposed plans for the property. She stated that it was also planned to sell alcohol at the restaurant with the license from the Terrace Tavern. Mr. Little asked if a variance was ever obtained to use the property for commercial storage and that it would be a violation if approval had not been obtained. It was noted that the architectural plans submitted did not reflect what currently existed and that garage doors were proposed for the carport.

Mr. Michael Strunk, Architect of Brant Beach, New Jersey was sworn and described the proposed plans to the Board. The Board discussed the existing conditions with Mr. Strunk.

(Tape #681 – Side 5)

Carolyn and Kevin Poultney of 8 East Maryland Avenue were sworn and submitted a photograph of the subject property with their property next door, marked #O-1. Mrs. Poultney stated that the bike rack was proposed to be located two feet from their bedroom window and also stated her concerns with noise, parking and deliveries. Mr. Poultney asked about items that were required on the checklist.

Mr. Monahan stated that the bike rack would be moved.

Ms. Susan King of 13210 Beach Avenue was sworn and stated her concerns with flooding and parking noting that she was not in favor of the application.

Ms. Janet Hritz of 19 East South 34th Street was sworn and testified that she was not in favor

of the application.

Ms. Patricia Seeger of 5 East Delaware Avenue was sworn and submitted photographs of her property and the subject property, marked #O-2. Ms. Seeger stated her objections and noted that she was not in favor of the application.

Ms. Irene Santoro of 146 East Maryland Avenue was sworn.

(Tape #681 – Side 6)

Ms. Santoro stated that she was not in favor of the application.

The Board took a five-minute recess.

Mr. Anthony Angona of 4 West Maryland Avenue was sworn and testified that there were issues that needed to be addressed regarding the application but that commercial businesses were needed in the area. He noted he would be in favor of the application if those issues were addressed.

Ms. Ann Clark of 10 East South 34th Street was sworn and testified as to her concerns with traffic and parking and that she was not in favor of the application.

Ms. Janet Nelson and Mr. Curt Nelson of 22 East Maryland Avenue was sworn and testified as to their concerns and stated that they were not in favor of the application. Mr. Nelson submitted photographs of deliveries, marked #O-3.

Mr. John Brennan of 32nd Street was sworn and testified that he was in favor of the application.

Ms. Kathleen Sheridan of 59 West Ohio Avenue was sworn and testified that she was in favor of the application.

Ms. Joni Bakum, resident of Long Beach Township was sworn and testified that she was in favor of the application.

Mr. Eduardo Paya-Plaza of 9 East Maryland Avenue was sworn and testified that he was not in favor of the application.

The Public Session was closed.

Mr. Monahan stated that the Master Plan spoke of the need for business centers. He stated that the parking requirement was being met and addressed the split zone noting that all of the issues could be addressed. He stated that the proposal was consistent with the Land Use Plan. Mr. Monahan requested that the variances be approved and that the site plan be addressed at a later time.

Mr. Little stated that he did not believe that there was enough information for the Board to grant a use variance without seeing the whole plan as revised. Mr. Sicheri noted that the property was located in a split zone and never used as a commercial property, therefore the applicant was

asking for an intensification in the use of the property. Mr. Little stated that it was proposed to raise the floor of the building but no ramp was proposed and that a handicapped parking stall was not proposed. He noted that a lot of issues needed to be addressed.

Mr. Monahan withdrew the application before the Board.

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(Tape #682 – Side 7)

Mr. Stuart Snyder, Esquire addressed the Board in reference to a request for an Extension of Time for **Phitown Investments (LUB-23-17)**. **Leonetti moved, seconded by Konnor to approve the request for a nine month extension.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Pingaro, Schnell, Southwick, VanBuren, Jones and Roth** all voted **YES**.

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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 11:20 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN