

BRANT BEACH, NEW JERSEY
JANUARY 09, 2019

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, 2019 as required by the Open Public Meeting Act.”

Members of the Board present: **J.C. Konnor, E.J. Hummel as Mayor’s Designee, R. Pingaro, D.S. Southwick, R. S. VanBuren, R. L. Jones 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.B. Roth, Jr.**

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

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 #685 - Side 1)

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

1. #LUB-1-19: BARTZAK (Block 11.12, Lot 15) 116 East Lillie Avenue, Beach Haven Park): Mr. Sicheri stated that the applicants proposed to demolish the existing duplex structure and construct a new single family home which required a bulk variance for distance between structures.

2. #LUB-23-18-PF: MAXWELL AND DAVIES (Block 1.48, Lots 34 and 34.01): Mr. Sicheri stated that the property consisted of a marina with 142 boat slips and that the applicants were proposing to incorporate five single family detached dwelling units. Mr. Sicheri stated that the fuel tank would be relocated and moved to be above ground. He noted that the encroachment on Magnolia Avenue would be removed. Mr. Sicheri stated that preliminary and final site plan, bulk and special reasons variance approvals were required for the proposal.

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Mrs. Schnell announced that the reorganization of the Board would take place and noted that

three members of the Board, Mr. Pingaro, Mr. Jones and Mr. VanBuren had been reappointed and sworn in.

Mr. Sicheri asked for a nomination for **Chairperson**. **Jones moved, seconded by Roth to nominate Lynne J. Schnell**. The following roll call vote was recorded: **Konnor, Hummel, Pingaro, Southwick, VanBuren, Jones and Roth** all voted **YES**. Schnell abstained.

Chairman Schnell asked for a motion for **Vice Chairperson**. **Jones moved, seconded by Roth to nominate Jeffrey C. Konnor**. The following roll call vote was recorded: **Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones and Roth** all voted **YES**. Konnor abstained.

Chairman Schnell asked for a motion for **Secretary**. **Southwick moved, seconded by Roth to nominate Ronald Pingaro**. The following roll call vote was recorded: **Konnor, Hummel, Schnell, Southwick, VanBuren, Jones and Roth** all voted **YES**. Pingaro abstained.

Chairman Schnell asked for a motion for **Board Attorney**. **Konnor moved, seconded by Jones to retain the firm of Sicheri and Sicheri, P.C.** The following roll call vote was recorded: **Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones and Roth** all voted **YES**.

Chairman Schnell asked for a motion for **Board Engineer**. **Pingaro moved, seconded by Southwick to retain Frank J. Little, Jr., P.E. with the firm of Owen, Little and Associates Inc.**, The following roll call vote was recorded: **Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones and Roth** all voted **YES**.

Chairman Schnell asked for a motion for **official newspapers**. **Jones moved, seconded by Hummel to retain the Beach Haven Times and Asbury Park Press as the official newspapers**. The following roll call vote was recorded: **Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones and Roth** all voted **YES**.

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Minutes of the meeting held November 14, 2018 were presented for approval. **Roth** moved, seconded by **Hummel** for adoption. **Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones and Roth** all voted **YES**.

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

1. #LUB-31-18: BARRY – Resolution of Approval moved by **Jones**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Hummel, Pingaro, Southwick, VanBuren, Jones and Roth** all voted **YES**.

2. #LUB-32-18: PHELAN – Resolution of Approval moved by **Jones**, seconded by **Pingaro**. The following roll call vote was recorded: **Konnor, Pingaro, Southwick, VanBuren and Jones** all voted **YES**.

3. #LUB-33-18-PF: RECHENBERG – Resolution of Approval moved by **Konnor**, seconded by **Pingaro**. The following roll call vote was recorded: **Konnor, Hummel, Pingaro, Southwick, VanBuren, Jones and Roth** all voted **YES**.

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Mrs. Schnell noted that there were two applications as well as a presentation from the Ocean County Utilities Authority to be considered, as follows:

(1) OCEAN COUNTY UTILITIES AUTHORITY

Owner
Block 14.02, Lot 4

Mr. Michael R. Beck, Esquire with the firm of Hiering, Dupignac, Stanzione, Dunn and Beck, P.C. of Toms River, New Jersey represented the Ocean County Utilities Authority. Mr. Beck stated that they were before the Board seeking the Board’s review and recommendation regarding improvements that are proposed to the property on the corner of Massachusetts and Long Beach Boulevard.

Mr. Cornelius O’Reagan, P.E. in the State of New Jersey and employee of the Ocean County Utilities Authority was sworn and qualified. Mr. O’Reagan described the plans to the Board regarding the proposed Odor Control System at the pump station and the building to house it. He stated that the new building would be above Base Flood Elevation and that all appropriate permits would be obtained.

The Board approved of the plans.

Southwick moved, seconded by Konnor to approve the application as submitted without any additional recommendations. The following roll call vote was recorded: **Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones and Roth** all voted **YES**.

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(Tape # 685 – Side 2)

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

(2) #LUB-1-19 BEACH HAVEN PARK

WILLIAM M. AND LINDA W. BARTZAK

Owners & Applicants
Block 11.12, Lot 15

Mr. James S. Raban, Esquire of Haven Beach, NJ represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Plot Plan prepared by East Coast Engineering, Inc. dated November 21, 2018 and revised November 26, 2018, **#A-2**, and, four page architectural drawing prepared by Craig W. Brearley, Architect dated September 18, 2018, **#A-3**. Mr. Raban stated that it was proposed to remove the existing duplex structure and to construct a new single family home in its place which required a variance for distance between

structures. Mr. Raban stated that it was proposed to amend the application to request fourteen feet between structures requiring a variance for each side of the proposed structure. Mr. Raban stated that in addition, it was proposed to shift the house back one foot to allow for an additional parking space in front of the structure.

Mr. Jason Marciano, P.E., P.P. with the firm of East Coast Engineering, Inc. was sworn and described the existing property to the Board. Mr. Marciano stated that the shed and concrete pad would be removed and a new single family home built. He noted that there were existing nonconformities that would be eliminated by the proposal and that neither side conformed to distance between structures. He stated that the distance between structures would be improved by the proposed twenty-five foot wide home but required a variance due to the location of the homes on either side.

Mr. Craig Brearley, Architect of Manahawkin, NJ, was sworn and described the proposed plans to the Board. Mr. Brearley stated that the proposed home was an aesthetic improvement over that which existed. He noted that a home smaller in width could be designed but this proposal with a twenty-five foot wide home was more consistent with the neighborhood. Mr. Brearley stated that the benefit of granting the variance for a new home would outweigh any detriment.

The Board discussed shifting the house towards the rear of the property.

(Tape #686 – Side 3)

Mr. Robert Shinn, Esquire of Manahawkin, NJ represented adjoining neighbors to the west, Mr. and Mrs. Stern. Mr. Shinn stated that the proposal would interfere with the Stern's light and air and be a safety concern.

Mr. Philip W. Stern of 112 East Lillie Avenue was sworn and testified that he was concerned about the impact on his property if the variance was granted. Mr. Stern read a statement into the record addressing his concerns and requesting that the variance be denied.

Mr. Shinn stated that a hardship had not been demonstrated and that a structure could be designed to fit the lot. He requested that the variance be denied.

Mr. John Weaver of 110 East Lillie Avenue was sworn and testified as to his concerns with the application and parking.

The Public Session was closed.

Mr. Raban stated that proposal would comply with the setbacks and that the request for a foot on either side for distance between structures was a minimal request. He felt that the proposal was a vast improvement over what currently existed and requested that the Board approve the application as submitted.

The Board felt that it was important to maintain the fifteen feet between structures and that once the existing home was demolished a home could be designed that did not require variances.

Hummel moved, seconded by Konnor to DENY the application. The following roll call vote was recorded: **Konnor, Hummel, Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.

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The Board took a five-minute recess.

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

(3) #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, NJ represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Site Plan Map prepared by Horn, Tyson and Yoder, Inc., dated May 11, 2004 with the latest revision date of July 11, 2018, **#A-2**, two page architectural drawing prepared by Studio Tagland Designs, LLC dated August 21, 2018, **#A-3**, one page revised architectural drawing prepared by Studio Tagland Designs, LLC dated October 3, 2018, **#A-4**, one page revised architectural drawing prepared by Studio Tagland Designs, LLC dated November 26, 2018, **#A-5**, and, Review letter to the Board from Frank J. Little, Jr., P.E. dated October 2, 2018, **#B-1**. Mr. Snyder stated that Mr. Maxwell and Mr. Davies were the contract purchasers of the property commonly know as the Holgate Marina. Mr. Snyder stated that the applicants were before the Board for site plan approval to allow the site to be developed with five single family detached homes along Tebco Terrace to be used in conjunction with the Marina. He noted that variances were also required and that the lift and tanks were proposed to be relocated. Mr. Snyder stated that proposed units were detached but that they would be willing to attach the units if the Board preferred. He felt that light and air and consistency with the neighborhood would be maintained with this proposal.

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 noted that the property was an irregular shaped property with 500 feet of frontage along the right-of-way of Tebco Terrace and 300 feet of depth to Magnolia Avenue. He stated that there was 640 feet of frontage on unimproved Magnolia Avenue and that in the middle of the property was a Marina basin. He stated that the "U" shaped upland portion of the property was 65,203 square feet. Mr. Brzozowski described the proposed structures to the Board and noted that the front yard setback to the proposed units would be at least 10.8 feet which required a variance. Mr. Brzozowski stated that four parking spaces would be provided for each unit and that the parking for the 142 boat slip marina exceeded what was required. He stated that the travel lift would remain and not interfere with the residential uses and that the existing fuel tanks would be removed and relocated surrounded by a board on board fence.

(Tape #687 – Side 4)

Mr. Brzozowski stated that there would not be access from Magnolia Avenue and that the encroachment on Magnolia Avenue would be removed. Mr. Brzozowski addressed Mr. Little's review letter and noted that the proposal met the requirements for density. Mr. Brzozowski stated that the proposed single family structures fits in with the general single family development on Tebco Terrace and would help retain the marina use.

Mr. Snyder stated that the units would be in Condominium ownership.

Mr. David Gaffin registered Architect with the firm of Studio Tagland Designs LLC of Beach Haven Terrace, NJ was sworn and qualified. Mr. Gaffin described the proposed plans to the Board. Mr. Gaffin stated that the proposed structures were detached single family homes.

Ms. Tiffany Morrissey, Licensed Professional Planner in the State of New Jersey was sworn and qualified. Ms. Morrissey noted that she had reviewed all plans related to the application as well as the Master Plan and local Ordinances. She stated that the property was located in the Marine Commercial Zone and that multi-family use is not listed as a conditional use in the zone. She stated that the proposed use was not a mixed use as defined in the Ordinances as the buildings are separated and therefore required a special reasons variance. She noted that if the office and proposed homes were all within one building the development would be permitted under the Ordinance. Ms. Morrissey provided testimony as to the positive and negative criteria of the D(1) use variance. She stated that one single building of significant size would be out of character with the community of Tebco Terrace and that the proposal would be more suited to the surrounding area. Ms. Morrissey noted that the residential portion would be located in an area to match the existing residential homes along Tebco Terrace and would take the Marina operations away from Tebco Terrace. Ms. Morrissey addressed the request for a front yard setback variance.

(Tape #687 – Side 5)

Ms. Morrissey addressed retaining marina use in the Township. Ms. Morrissey stated that she felt that the proposal was consistent with the surrounding area.

Mr. Mark Davies, contract purchaser, was sworn and testified that he agreed to the terms of the Engineer's review letter and would agree to the condition of a deed restriction prohibiting a future subdivision.

Mr. R.S. Gasiorowski, Esquire with the firm of Gasiorowski and Holbinko in Red Bank, New Jersey represented property owners Mr. and Mrs. Brian Tierney.

Mr. Gasiorowski recalled Mr. Gaffin and questioned him regarding joining the five proposed homes together.

The Board took a five-minute recess.

(Tape #688 – Side 6)

Mr. Gasiorowski recalled Mr. Brzozowski and questioned him regarding curbs and sidewalks

and the marina's travel lift. The site plan was reviewed as to parking and the location of the proposed homes. Front yard setbacks along Tebco Terrace and the marina operations were discussed.

Mr. Gasiorowski recalled Ms. Morrissey and discussed the request for the D(1) variance. The existing conditions on the site were discussed. Ms. Morrissey felt that the density requirement had been met. The preservation of the marina was discussed.

Ms. Dawn Lipman of 46 W. Tebco Terrace was sworn and asked about the location of the marina operations and the gas pumps.

(Tape #688 – Side 7)

Mr. Jeff Lipman of 46 W. Tebco Terrace was sworn and asked about parking on the site.

Mr. Sichi announced that the application would be carried to the February 13, 2019 meeting at 7:00 P.M.

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Under **New Business** the Board discussed proposed Ordinance **#19-03C**. Mr. Little stated that the Ordinance was proposed to be consistent with the intent of the current Master Plan update. Mr. Sichi stated that it would also make it consistent with the definition of a two-family use. **Roth moved, seconded by Konnor to approve Ordinance #19-03C as proposed.** The following roll call vote was recorded: **Konnor, Pingaro, Schnell, Southwick, VanBuren, Jones and Roth** all voted **YES**.

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Under **Correspondence** the Board addressed the request for an extension of time for **Collins (LUB-36-16-PF)**. **VanBuren moved, seconded by Konnor to grant a one year extension of time.** The following roll call vote was recorded: **Konnor, Hummel, 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 11:05 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN