

BRANT BEACH, NEW JERSEY  
February 13, 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."

Mrs. Schell welcomed new Board member Patricia M. Caplicki, Alternate #4, sworn in by Mr. Sicheri.

Members of the Board present: **R. Pingaro, R. S. VanBuren, R. L. Jones and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **Mrs. V.E. Applegate, R.H. Bayard, J.C. Konnor, E.J. Hummel as Mayor's Designee, D.S. Southwick and Mayor J.H. Mancini.**

Alternate members of the Board present: **R.B. Roth, Jr., R.J. Stewart and Mrs. P.M. Caplicki.**

Alternate member of the Board absent: **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 and Mrs. S. L. Bongiovani, Clerk.**

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**(Tape #689 - Side 1)**

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

**1. #LUB-2-19: KLEINFELTER (Block 4.22, Lot 14) 112 West 17<sup>th</sup> Street, North Beach Haven:** Mr. Sicheri stated that the applicants proposed to construct an elevator tower on the existing single family home which required a bulk variance for side yard setback and distance between structures as well as a special reasons variance for the proposed height.

**2. #LUB-3-19: CATALANO (Block 20.158, Lot 6) 162F Long Beach Boulevard, Loveladies:** It was noted that there was an issue with the notice and that the application would be carried to the March 13, 2019 meeting.

**3. #LUB-23-18-PF: MAXWELL AND DAVIES (Block 1.48, Lots 34 and 34.01) 83 Tebco Terrace, Holgate:** Mr. Sicheri stated that the application required Preliminary and Final Major

Site Plan as well as bulk and special reasons variance approval. Mr. Sicheri stated that the application was a continuation from last month.

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Minutes of the meeting held December 13, 2018 were presented for approval. **Roth** moved, seconded by **Jones** for adoption. **Pingaro, VanBuren, Jones, Roth and Stewart** all voted **YES**.

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

**1. #LUB-1-19: BARTZAK** – Resolution of Denial moved by **Jones**, seconded by **Pingaro**. The following roll call vote was recorded: **Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.

**2. #LUB-36(A)-16PF: COLLINS** – Resolution of Approval moved by **Pingaro**, seconded by **Jones**. The following roll call vote was recorded: **Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.

**3. OCEAN COUNTY UTILITIES AUTHORITY** – Resolution of Approval moved by **Jones**, seconded by **Pingaro**. The following roll call vote was recorded: **Pingaro, Schnell, VanBuren, Jones and Roth** all voted **YES**.

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**Mr. Sicheri announced that the application for CATALANO, LUB-3-19, would not be heard this evening and would be carried to the March 13, 2019 meeting.**

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(2) #LUB-2-19 NORTH BEACH HAVEN

**WILLIAM M. AND CONNIE KLEINFELTER**

Owners & Applicants

Block 4.22, Lot 14

**Mr. James S. Raban, Esquire of Haven Beach, NJ represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1**, Variance Plan prepared by MCH Engineering, Inc. dated November 28, 2018 and revised January 22, 2019, **#A-2**, and, four page architectural drawing prepared by PDR Designs, LLC Architecture dated November 29, 2018 with the latest revision date of January 17, 2019, **#A-3**. Mr. Raban stated that it was proposed to renovate and raise the existing structure. He noted that the largest part of the renovation was the proposed elevator tower. Mr. Raban stated that a forty-two foot elevator shaft was allowed by ordinance if it was located ten feet from an exterior wall. He noted that criteria was not being met as the proposed elevator shaft was along the exterior of the building.

**Mr. Matthew C. Hockenbury, P.E. with the firm of MCH Engineering, Inc.** was sworn and qualified. Mr. Hockenbury described the existing conditions of the property. Mr. Hockenbury stated that the access elevator was proposed from the ground floor to the roof top deck. He described the existing nonconformities and the variances requested.

**Mr. Paul Rugarber, Architect of Point Pleasant, NJ,** was sworn and described the proposed plans to the Board. He stated that there was a cut out in the back corner of the building and that it was proposed to square off that corner of the building to gain more floor space. Mr. Rugarber stated that the elevator tower was located in the most logical position for the home. He stated that the proposed elevator shaft was five feet by five feet and was set so far back from the street that it would minimize the impact.

**The Public Session was closed.**

Mr. Raban stated that proposed elevator shaft would have a minimal impact on the neighbors.

The Board noted that they would like to see some of the impervious coverage scaled back but would otherwise be in favor of the application as the elevator shaft was proposed in the most logical location.

**Roth moved, seconded by Jones to approve the application with the condition that the front yard impervious coverage be scaled back to meet the code.** The following roll call vote was recorded: **Pingaro, Schnell, VanBuren, Jones, Roth, Stewart and Caplicki** all voted **YES**.

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**(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 additional evidence was marked as follows:** Affidavit signed by Board member Robert Stewart certifying that he had listened to the recording of the prior hearing, **#B-2**, and Affidavit signed by Board member Patricia Caplicki certifying that she had listened to the recording of the prior hearing, **#B-3**. Mr. Snyder stated that the applicants' witnesses had given their testimony at the last hearing. Mr. Sicheri stated that the application had been open to the public at the prior hearing and it was noted that the public portion would continue this evening.

**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 asked if the applicant was proceeding under the new Ordinance pertaining to the definition of multi-family use and Mr. Sicheri replied yes. Mr. Snyder stated that the Board was well aware of what the applicant was applying for and Mr. Sicheri stated that the notice was sufficient. Mr. Gasiorowski stated that he did not feel the applicant satisfied the terms and conditions of the new Ordinance.

Mr. Sicheri stated that in his opinion the Board had jurisdiction to proceed and Mr. Gasiorowski noted his objection.

**Mr. Andrew Thomas, P.P. with the firm of Thomas Planning Associates was sworn and qualified.** Mr. Thomas stated that he had reviewed the new ordinance, all documents, visited the site and had listened to the audio of the prior meeting. Mr. Thomas submitted an aerial exhibit, marked #O-1 and a google map of the boat lift dated August, 2016, marked #O-2.

**(Tape #689 – Side 2)**

Mr. Thomas described the exhibits, the site and addressed the boat storage along the property line where the construction was proposed to take place. He discussed the density and parking. Mr. Little stated that the entire lot area could be used to determine the density.

Mr. Sicheri swore in **Mr. Frank J. Little, Jr., P.E., P.P. with the firm of Owen, Little and Association.** Mr. Little stated that he had been the Board Engineer since 2004.

Condominium documentation and usage were discussed. Mr. Sicheri stated that the Board could impose a condition that parking be reserved solely for residential use.

A discussion ensued regarding the new Ordinance addressing multi-family dwellings. Mr. Thomas felt that the residential units exceeded the allowable lot coverage and the proposed and allowed setbacks were discussed.

The notice for the application was discussed. Mr. Thomas stated that under the new ordinance, what was being proposed did not meet the definition. Mr. Thomas stated the variance and waivers he felt were necessary for the application. Mr. Thomas addressed the submitted site plan and noted that the travel lift would be located eight feet from parked cars and that there was not a buffer area proposed between the residential and marina use. Mr. Thomas addressed the positive and negative criteria regarding the proposal.

**(Tape #690 – Side 3)**

Mr. Thomas stated that in his opinion, the proposed development would result in a substantial detriment to the surrounding single family uses as the area where the homes were proposed was too small of an area with the marina use in close proximity.

Mr. Snyder cross-examined Mr. Thomas. Mr. Thomas stated that he disagreed with Ms. Morrissey's conclusion that the application satisfied the positive and negative criteria. The proposed setbacks and parking were discussed.

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

**Mr. Charles Gross of 4102 Long Beach Boulevard** was sworn and submitted two pages of Engineer's Plan, marked #O-3, a Google Earth photo of the existing marina, marked #O-4 and the photograph with the Engineer's Site Plan superimposed over the top, marked #O-5. Mr. Gross stated that the exhibits showed how the proposed five units would work in conjunction with the marina. Mr. Gross stated his concerns with the project and was not in favor of the application.

**Mr. Jeffrey Littman of 46 Tebco Terrace** was sworn and testified as to the history of the Marina and his concerns with the application. He submitted 6 photographs of a high tide in the neighborhood, marked #O-6.

**Ms. Deborah Morelli of 24 Tebco Terrace** was sworn and testified that she was in opposition of the proposal noting that she felt it was an overdevelopment of the property.

**(Tape #690 – Side 4)**

**Mr. Frank Morelli of 24 Tebco Terrace** was sworn and testified that he was not in favor of the application. Mr. Morelli stated his concerns with the proposal.

**Mr. Mark Bowen of 38 Tebco Terrace** was sworn and stated his concerns with the application and the marina's use of Tebco Terrace.

**Ms. Dawn Littman of 46 Tebco Terrace** was sworn and stated her concerns with the condition of the soil where the homes were proposed since marina operations were performed on that strip of land.

**Mr. Rand Piersoll of 3001 South Long Beach Boulevard** was sworn and testified that he was not in favor of the application noting that the construction plan should be in compliance.

**Mr. Jeffrey Gozdieski of 29 West Tebco Terrace** was sworn and testified that he felt that the plan was an improvement over the prior plan but stated his concerns with the cleaning up of the marina area.

**Mr. Brian Tierney of 28 and 57 West Tebco Terrace** was sworn and testified as to his concerns with the proposal and the current operation of the marina. Mr. Tierney submitted photographs of the site, marked #O-7, of the marina equipment, marked #O-8, marina equipment on the street, marked #O-9, of an oil leak, marked #O-10 and of flooding, marked #O-11. Mr. Tierney stated that the marina used the street for their operations as if there was not enough land for their marina operations.

**Ms. Denise Brand of 28 and 50 Tebco Terrace** was sworn and testified as to her concerns with the application and lighting and submitted photographs of the existing lighting, marked #O-12.

Mr. Gasiorowski summarized by stating that nothing in the proposed plans show improvement to the entire site.

**(Tape #691 – Side 5)**

Mr. Gasiorowski stated that the neighborhood was steadfastly opposed to the project. Mr. Gasiorowski requested that the application be denied.

Mr. Snyder stated that the intention was to create a Condominium Association with restrictions on parking and the limited common areas. Mr. Snyder stated that the condominium documents would be submitted to the Board and Mr. Sicheri stated that the Board would have to accept those

documents. Mr. Snyder stated that a lighting plan would be submitted and that removal of underground tanks had to comply with the standards of the DEP. Mr. Snyder summarized the variances requested. Mr. Snyder stated that the neighbors were upset with the operation of the marina, not the marina itself. He noted that it was a clean use of the property and not an overdevelopment. Mr. Snyder requested that the application be approved noting that the homes were aesthetically pleasing and that the existing buildings would be bettered and improved.

Mr. Little stated that all gas tanks would have to comply with the State regulations and that the existing tanks would require a licensed site remediation professional as well as a CAFRA permit. Mr. Little stated that the travel lift and the gas tanks could be moved to the north side of the property to leave the other end open for parking.

The Board felt that the travel lift should be relocated and kept off of Tebco Terrace as well as relocating the gas tanks. It was noted that all marina activities including parking and boat storage should be removed from Tebco Terrace. The Board was concerned with the proposed front yard setback and that there was essentially not a rear yard for the proposed homes.

**Pingaro moved, seconded by Roth to approve the application with the condition that the gas tanks, travel lift and boat storage be relocated off of Tebco Terrace as well as a deed restriction that there be no subdivision. The following roll call vote was recorded: Pingaro, Schnell, VanBuren and Roth voted YES. Jones, Stewart and Caplicki voted NO. The application failed to pass.**

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Under **Correspondence** the Board addressed the request for an extension of time for **Meisner (LUB-38-17)**. **Roth moved, seconded by Pingaro to grant a 90 Day extension of time.** The following roll call vote was recorded: **Pingaro, Schnell, VanBuren, Jones, Roth, Stewart and Caplicki** all voted **YES**.

Under **Discussion** Ronald Pingaro read the Residential Building Exemptions Memo to the Board regarding proposed changes to the Ordinance for Elevator Towers, Detached Garages and Outdoor Kitchens. New definitions are also being proposed to Conditioned Spaces and Stairways. The Board discussed the changes.

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

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The meeting was adjourned at 10:45 P.M.

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