

BRANT BEACH, NEW JERSEY
March 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."

Members of the Board present: **E.J. Hummel as Mayor's Designee, R. Pingaro, R. S. VanBuren, and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **Mrs. V.E. Applegate, R.H. Bayard, J.C. Konnor, R. L. Jones, 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 members of the Board absent: **B.R. Farias.**

Also present were the following: **A.P. Sicheri, Esq., Board Attorney, F. J. Little, Jr., P.E., P.P., Board Engineer and Mrs. L. C. Krueger, Secretary for the Board/Commission.**

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(Tape #692 - Side 1)

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

1. #LUB-3-19: CATALANO (Block 20.158, Lot 6) 162F Long Beach Boulevard, Loveladies: Mr. Sicheri stated that the applicants proposed to construct a new covered deck on the southwest portion of the single family home which required a bulk variance for combined side yard setback.

2. #LUB-4-19: HOULIHAN (Block 15.120, Lot 4, Unit 1) 11 East 40th Street, Brant Beach: Mr. Sicheri stated that the applicants proposed to add a two story addition to rear of the existing two family home which required a special reasons variance as well as a bulk variance for rear yard setback and lot coverage.

3. #LUB-5-19: PETERMAN (Block 15.120, Lot 4, Unit 2) 11 East 40th Street, Brant Beach: Mr. Sicheri stated that this application was the companion case of LUB-4-19 for the second condominium unit in the same structure. He noted that the applicants were also requesting to construct a rear bathroom addition.

property and add a first floor addition with deck above as well as a covered deck on the southwesterly side of the property. Mr. Raban stated that it was also proposed to add a new covered entry stairway. It was noted that the application had been amended to delete the proposed trellis.

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 irregularly shaped lot of nonconforming size. He noted that the side yard setback on the west side would be reduced by the proposal and that the proposed entryway would encroach into the front yard setback. He stated that the encroachment was seven square feet over what the ordinance would allow. Mr. Brzozowski stated that the lot had lost thirty-four hundred square feet from erosion over the years creating the irregularly shaped and narrow lot of today. He stated that the majority of the additions were to the west side which would not affect any neighbor or light, air and open space.

Mr. Phillip Kunz, Architect with the firm of PDK Architects was sworn and described the proposed plans to the Board. He stated that the current entrance to the building flooded which was why they were creating a new entrance.

Mr. and Mrs. Catalano, Applicants were sworn and testified that the entry foyer flooded and that raising the front door would alleviate the flooding issue and allow them to enter the house without going through water.

Mr. Eric LeBoeuf, Esquire with the firm of Esposito and LeBoeuf in Manahawkin, New Jersey representing objecting property owners of lot 4 and lot 5. Mr. LeBoeuf asked whether the application would affect parking on the property and Mr. Brzozowski replied that it would not. Mr. Kunz reviewed the proposed plans with Mr. LeBoeuf and answered his questions regarding the location of the proposed stairs and decks. Mr. LeBoeuf stated that there was not a hardship. Mr. LeBoeuf stated that his clients had witnessed parking in the easement and requested that if the application was approved that there be a condition that there be no parking in the easement. Mr. Sicheri stated that parking in the easement was not allowed and that the police should be called if that should happen.

The Public Session was closed.

Mr. Raban stated that the impact of the view on Mr. LeBoeuf's clients would be minimal. Mr. Raban requested that the application be approved as amended.

The Board noted that they felt that there was a hardship noting the elevation of the property was very low and the potential for flooding in the entryway.

Hummel moved, seconded by VanBuren to approve the application as amended. The following roll call vote was recorded: **Hummel, Pingaro, Schnell, VanBuren, Roth, Stewart, Farias and Caplicki** all voted **YES**. Mr. Sicheri stated that the amended plans would be required.

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(Tape #692 – Side 2)

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, Site Plan prepared by Dante Guzzi Engineering Associates dated September 17, 2018 revised January 7, 2019, #A-2, Six page Architectural Plan prepared by Craig W. Brearley, A.I.A., Architect dated January 7, 2019, #A-3, Stormwater Management Report prepared by Dante Guzzi Engineering Associates dated September 14, 2018, #A-4, Review letter to the Board from Frank J. Little, Jr., P.E. dated March 5, 2019, #B-1. Mr. Snyder stated that the applicants were the contract purchasers of the property. Mr. Snyder stated that the intensification of the site would not be increased as three townhouse units were proposed and three uses currently existed on the site, but one was not a legal unit. Mr. Snyder stated that the units would face 26th Street with a conforming setback and that the applicants were requesting a setback variance from Long Beach Boulevard. Mr. Snyder stated that if not for the conditional use the setback to the Boulevard would be conforming. He noted that waivers from the curb and site triangle requirements were requested.

Mr. Dante Guzzi, P.E. with the firm of Dante Guzzi Engineering Associates in Medford, New Jersey was sworn and qualified. Mr. Guzzi described the property and addressed the requested waiver for the site triangle and curb cut. He stated that the proposed curb cut would create an additional street parking space on the east side. Mr. Guzzi addressed Mr. Little's review letter and the proposed landscaping plan which included a vinyl fence as a buffer. He noted there was adequate open space as well as parking. Mr. Guzzi stated that he felt that the proposed multi-family residential use would be less intense than a possible commercial development which was allowed in the zone. Mr. Guzzi stated that there was a stormwater management collection system proposed so there would be no impact on neighboring sites. Mr. Little stated that the 2 drains shown on the plan were sufficient.

Mr. Craig Brearley, Architect in Manahawkin, New Jersey was sworn and described the proposed plans to the Board. Mr. Brearley stated that three attached units were proposed with two stories above the garage level. Mr. Brearley stated that there would be a roof deck for each unit. He noted that the lot coverage and height would conform to the Township zoning requirements.

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 and the planning documents that were submitted. She stated that multi-family dwellings were a permitted conditional use under the ordinance. Ms. Morrissey stated that a D variance was required for a variance from a condition of the conditional use because the plan did not meet the density or front yard setback requirements. Ms. Morrissey stated that the setbacks proposed would be an improvement over current conditions. She noted that a four thousand square foot commercial building could be built on the site which would generate more traffic than the proposed units and have much closer setbacks to the neighboring property lines. Ms. Morrissey stated that the parking requirements would be exceeded and that

additional landscaping and buffering would be provided.

(Tape #693 – Side 3)

Ms. Morrissey stated that the proposal would promote the general welfare as an appropriate development alternative. She discussed the positive and negative criteria.

Mr. David Parker of 11 East 27th Street was sworn and testified that he objected to the density proposed and stated his concerns with the proposed stacked parking.

Mr. Arthur Stall of 9 East 26th Street was sworn and testified as to his concerns with the conditions at the corner due to flooding, traffic and the density.

Mr. Don Walsh of 6 East 26th Street was sworn and testified that he was in favor of the application. He stated that he would prefer homes to a commercial site.

Mr. Elaine Atlee of 5 East 26th Street was sworn and testified that she was pleased with the new plans and asked if the apron could be left as is to create more parking on the site.

Ms. Susanne Barnham of 28 East 40th Street was sworn and stated her concerns with the proposed density.

The Public Session was closed.

Mr. Snyder stated that other developments on the site would have more impact on the neighborhood and that the proposed plan was developed to appease the neighbors.

The majority of the Board felt that this was a good plan for the property noting what could be built there would be more intensive. The Board thought that the depressed curb should be allowed to go along the length of the property on 26th Street to alleviate some of the parking concerns.

Farias moved, seconded by Roth to approve the application for preliminary and final site plan, special reasons variance, bulk variance, waiver for the site triangle with the requirement of depressed curbing along 26th Street. The following roll call vote was recorded: VanBuren, Roth, Stewart, Farias and Caplicki voted YES. Pingaro and Schnell voted NO. The motion carried.

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The Board took a five-minute recess.

(Tape #693 – Side 4)

(3) #LUB-4-19 BRANT BEACH

RICHARD K. HOULIHAN AND MAUREEN HOULIHAN
Owners and Applicants
Block 15.120, Lot 4, Unit 1

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 January 7, 2019, #A-2, Two page Architectural drawings prepared by Bodnar Architect & Associates dated September 18, 2018 revised October 18, 2018, #A-3.

Mr. Sicheri noted that the next application on the Agenda was for **#LUB-5-19, JOHN AND HOLLY PETERMAN, owners of Unit 2 of the duplex.** Mr. Sicheri stated that he assumed that the testimony for that application would be identical and Mr. Raban replied that was correct. The Board decided to hear both applications at the same time.

Mr. Sicheri marked the **evidence for #LUB-5-19, Peterman as follows:** Application and Attachments, #A-1, Plot Plan prepared by East Coast Engineering, Inc. dated January 7, 2019, #A-2, Two page Architectural drawings prepared by Bodnar Architect & Associates dated September 18, 2018 revised October 18, 2018, #A-3. Mr. Sicheri stated that there would be separate Resolutions as there were separate owners of the units.

Mr. Raban stated that the each of the owners of the two unit duplex were both looking to add a new bathroom to rear of their unit as each unit only had one bathroom. He stated that the second floor bath would be directly above the first floor bath occupying the same space, so the exact same relief was required.

Mr. Jason M. Marciano, Engineer with East Coast Engineering, Inc. was sworn and qualified. Mr. Marciano described the existing property and the existing duplex. He noted that a lot coverage and rear yard setback variances were required as well as a special reason variance for expanding the nonconforming use. He noted that no additional bedrooms were proposed and that the structure would be used just as it is today with the additional bathroom. He stated that light, air and open space would not be impacted and that the outdoor living space was not in the rear yard. Mr. Marciano stated that this was a very minimal addition that would not be seen from the street.

Mr. Russell Bodnar, Architect of Long Valley, New Jersey was sworn and qualified. Mr. Bodnar stated that the addition would address the need for additional storage space and a much needed additional bathroom in the one bath home. Mr. Bodnar stated that he felt that the proposed plan was a simple solution for what the applicants needed.

Mr. and Mrs. Richard Houlihan, owners of Unit 1 were sworn and testified that they plan to retire to the home and required additional space.

Mr. and Mrs. John Peterman, owners of Unit 2 were sworn and testified that there was a need for a second bathroom.

Mr. William King of 6 East 39th Street, owner of the property to the rear, was sworn and testified that his detached garage to the rear of the subject property had an apartment above and that the window in the apartment had a straight view to the proposed bathroom. He stated his concern with the noise from the air conditioner condensers. He stated that relocating the condensers to the side of the building on top of the showers would be an improvement.

Mr. Lief Svensen of 16 East 40th Street was sworn and testified that he was in favor of the application.

The Public Session was closed.

Mr. Sicheri stated that the applications would also require an additional variance for distance between structures from the rear property and Mr. Raban amended the application to include the distance between structures variance and moving the air conditioner condensers to the easterly side yard on top of the existing outdoor showers.

The Board felt that if the applications were approved it should be with the condition that the addition be constructed with fire rated walls due to its proximity to the garage apartment on the adjacent lot.

Pingaro moved, seconded by Roth to approve both applications with the conditions that the bathroom addition be constructed with fire rated walls and that the air conditioner condensers be moved to the east side of the structure. The following roll call vote was recorded: Pingaro, Schnell, VanBuren, Roth, Stewart, Farias and Caplicki all voted YES.

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Under New Business the Board addressed the request for an extension of time for **Weaver (LUB-14-18)**. **Roth moved, seconded by Stewart to approve an Extension of time.** The following roll call vote was recorded: **Pingaro, Schnell, VanBuren, Roth, Stewart, Farias and Caplicki** all voted **YES**.

Mrs. Schnell read a **Resolution of Appreciation** into the record thanking **James A Leonetti** for his service on the Land Use Board. The Resolution was adopted by voice vote.

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Under **Correspondence** the Board discussed the amendment of the definition of “Mixed Use”, to allow a mixed use on a single lot rather than in one building as it is now defined and to suggest that a Conditional Use Permit be required for Multiple Family Use in the Marine Commercial Zone, as it is in the Commercial Zone.

Roth moved, seconded by Caplicki to have the Secretary write a memo to the Governing Body recommending the proposed changes outlined above. The following roll call vote was recorded: **Pingaro, Schnell, VanBuren, Roth, Stewart, Farias and Caplicki** 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 9:35 P.M.

LYNNE J. SCHNELL
CHAIRMAN