

BRANT BEACH, NEW JERSEY
May 8, 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: **Mrs. V.E. Applegate, J.C. Konnor, E.J. Hummel as Mayor’s Designee, R. Pingaro, R. S. VanBuren, R. L. Jones and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **R.H. Bayard, 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, Mrs. L. C. Krueger, Secretary for the Board/Commission and Mrs. S. L. Bongiovani, Clerk.**

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(Tape #696 - Side 1)

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

1. #LUB-13-19: NANCY BODNAR LIVING TRUST (Block 6.45, Lot 3) 27 West South 34th Street, Beach Haven Gardens: Mr. Sicheri stated that the applicants proposed to construct a second floor addition on the existing single family home and a front porch which required bulk variances for lot coverage and side yard setback.

2. #LUB-14-19: TAPPEN FAMILY TRUST (Block 14.17, Lot 15) 14 East Culver Avenue, Beach Haven Crest: Mr. Sicheri stated that the applicants proposed to raise the existing structure and move it towards the rear of the lot and therefore the existing nonconformities were no longer grandfathered.

3. #LUB-15-19-PF: 9603 LONG BEACH BOULEVARD, LLC (Block 11.31, Lot 1) 9603 and 9601 Long Beach Boulevard, Beach Haven Park: Mr. Sicheri stated that the applicants were requesting preliminary and final subdivision approval as well as bulk variances to permit the creation of four substandard single family building lots. He noted that it was proposed to demolish

the existing hotel structure.

4. #LUB-12-19-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 noted that a similar application had been before the Board. He stated that an appeal was taken from that matter and an Order was entered by the Superior Court remanding the matter back to the Board. He noted that the Board had jurisdiction to hear the matter.

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Minutes of the meeting held March 13, 2019 were presented for approval. **Roth** moved, seconded by **Hummel** for adoption. **Hummel, Pingaro, Schnell, VanBuren, Roth, Stewart and Caplicki** all voted **YES**.

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

1. #LUB-7-19: LBI GROUP – Resolution of Approval moved by **Hummel**, seconded by **Roth**. The following roll call vote was recorded: **Konnor, Hummel, VanBuren, Roth, Stewart and Caplicki** all voted **YES**.

2. #LUB-8-19: SPIRO – Resolution of Approval moved by **Roth**, seconded by **VanBuren**. The following roll call vote was recorded: **Konnor, Hummel, VanBuren, Jones, Roth and Stewart** all voted **YES**.

3. #LUB-9-19: BUCHALTER - Resolution of Approval moved by **Jones**, seconded by **Hummel**. The following roll call vote was recorded: **Konnor, Hummel, VanBuren, Jones, Roth and Stewart** all voted **YES**.

4. #LUB-10-19: HOLLAND - Resolution of Approval moved by **Konnor**, seconded by **Roth**. The following roll call vote was recorded: **Konnor, Hummel, VanBuren, Jones, Roth and Stewart** all voted **YES**.

5. #LUB-11-19: CALABRESE - Resolution of Approval moved by **Roth**, seconded by **VanBuren**. The following roll call vote was recorded: **VanBuren, Jones, Roth, Stewart and Caplicki** all voted **YES**.

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(1) #LUB-13-19 BEACH HAVEN GARDENS

NANCY BODNAR LIVING TRUST

Owner & Applicant

Block 6.45, Lot 3

Mr. James S. Raban, Esquire of Haven Beach, NJ represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Building Plot Plan prepared by Horn, Tyson and Yoder, Inc. dated December 29, 2014, #A-2, four page architectural drawing prepared by Bodnar Architects and Associates dated November 2, 2016, #A-3, and revised building Plot Plan prepared by Horn, Tyson and Yoder, Inc. dated March 18, 2019, #A-4. Mr. Sicheri stated that there was a discrepancy in lot coverage between the plot plan and the architectural plans which needed to be addressed. Mr. Raban stated that the applicant was before the Board in 2016 proposing to increase the nonconforming lot coverage and that this application proposed to add to the structure vertically.

Mr. Russell Bodnar, Architect with the firm of Bodnar Architects and Associates of Long Valley, NJ was sworn and qualified. Mr. Bodnar stated that the property owner, Nancy Bodnar, was his wife. Mr. Bodnar described the layout of the proposed second floor addition to the Board. He stated that the home currently has just one bathroom. Mr. Bodnar submitted photographs of the property, marked #A-5.

Mr. James Brzozowski, P.E., P.P., with the firm of Horn, Tyson and Yoder, Inc. was sworn and testified as to the difference in lot coverage between the Plot Plan and the architectural plans. Mr. Brzozowski stated that the Township Ordinances allow for a seventy square foot deduction for one set of entry stairs which had not been deducted. He noted that the existing pergola and hot tub had not been included in the calculations of lot coverage.

Mr. Bodnar stated that the proposal would not increase the lot coverage on the property and that he would remove the existing nonconformities. Mr. Bodnar stated that he did not feel that the proposal would impact any of the surrounding properties. He noted that he did not intend to enclose the proposed deck and discussed the parking with the Board.

Ms. Pauline Triebenbacher of 40 West Delaware Avenue was sworn and testified that her new home conformed to all setbacks and testified as to her concerns with the on street parking.

The Public Session was closed.

Mr. Raban stated that the applicant was willing as a condition of approval to remove the existing pergola, hot tub and wall and requested that the application be approved as submitted.

The Board felt that the proposal would be an over intensification of the property.

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

(Tape # 696 – Side 2)

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TAPPEN FAMILY TRUST

Owner and Applicant

Block 14.17, Lot 15

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 July 26, 2018 with the latest revision date of February 13, 2019, **#A-2**, and two page Architectural drawings prepared by Craig W. Brearley, A.I.A. dated February 4, 2019, **#A-3**. Mr. Visotcky stated that the applicant proposed to raise the structure and move it back six feet to bring the front yard setback into conformity. Mr. Visotcky stated that an off-street parking space would be gained by moving the house back.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc. was sworn and described the existing property to the Board. Mr. Brzozowski stated that the property was an undersized lot with three existing nonconformities. Mr. Visotcky submitted photographs of the property, marked **#A-4**. Mr. Brzozowski described the photographs and noted that the proposal would eliminate one nonconformity and make the property safer from flooding.

Ms. Sarah Jennings, Associate with Craig W. Brearley, Architect in Manahawkin, NJ was sworn and testified that part of the deck could be cantilevered to allow for a garage door and provide for parking underneath the home.

Mr. Eugene Tappen, Trustee of the Tappen Family Trust was sworn and testified that he was open to the idea of building a garage under the raised home.

Mr. Tappen requested that the application be carried to the June 12, 2019 meeting to explore the idea.

Mr. Donald J. Cammus of 12 East Culver Avenue was sworn and testified that he had no objection to the application and felt that raising the structure would enhance the appearance.

Roth moved, seconded by Hummel to carry the application to the June 12, 2019 meeting. The following roll call vote was recorded: **Applegate, Konnor, Hummel, Pingaro, Schnell, VanBuren, Jones, Roth and Stewart** all voted YES.

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The Board took a five minute recess.

(Tape #697 - Side 3)

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(3) **#LUB-15-19-PF** **BEACH HAVEN PARK**

MITCHELL AND MELANIE POWITZ
Owners
9603 LONG BEACH BOULEVARD, LLC
Applicant
Block 11.31, Lot 1

Mr. James S. Raban, Esquire of Haven Beach, NJ represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Major Subdivision Plan prepared by Horn, Tyson and Yoder, Inc. dated December 3, 2018 with the latest revision date of February 15, 2019, **#A-2**, five page architectural drawings prepared by Adamson, Riva and Lepley Architects dated January 2019 with the latest revision date of April 3, 2019, **#A-3**, and review letter from Frank J. Little, Jr., P.E. dated April 30, 2019, **#B-1**. Mr. Raban stated that it was proposed to demolish the existing 22 unit motel that was built in the seventies and subdivide the property into four single family building lots. Mr. Raban stated that the proposal required major subdivision and bulk variance approvals as well as waivers.

Mr. James Brzozowski, P.E., P.P., with the firm of Horn, Tyson and Yoder, Inc. was sworn and described the existing property to the Board. Mr. Brzozowski stated that the applicants were seeking variances for lot frontage and lot area. Mr. Brzozowski stated that the property was located in a residential zone and that the existing motel was a nonconforming use in the zone. He noted that since this was a major subdivision it did not qualify for the subdivision formula. He stated that he felt that the four proposed homes would be a less intensive use of the property. Mr. Brzozowski submitted a portion of the tax map, Sheet #14, marked **#A-4**.

Mr. Brzozowski discussed Mr. Little's review letter.

Mr. Tom Scangarello of 7 East Herbert Avenue was sworn and testified that he was in favor of the application.

Mr. Mitchell Powitz, owner of the property was sworn and testified that he felt that the four structures would look nice.

The Public Session was closed.

Mr. Raban stated that although the motel was a permitted use when it was built, the zoning had since changed and hotels were no longer intended in the area. Mr. Raban stated that the area was now zoned for single family homes.

The Board stated that four homes on the site would be an over-intensive use of the site and noted that the proposed lots were undersized and required variances and waivers.

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

Mr. Hummel stepped down from the Board for the evening.

(4) #LUB-12-19-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 February 20, 2019, #A-2, two page architectural drawings prepared by Studio Tagland Designs, LLC dated August 21, 2018 with the latest revision date of February 21, 2019, #A-3, revised Site Plan prepared by Horn, Tyson and Yoder, Inc., dated April 25, 2019, #A-4, Review letter to the Board from Frank J. Little, Jr., P.E. dated April 30, 2019, #B-1, Consent Order of Remand to Long Beach Township Land Use Board dated April 23, 2019, #B-2, and letters to the Board from R.S. Gasiorowski, Esq, dated May 6th and 7th, 2019, #O-1. Mr. Snyder stated that he represented Mr. Maxwell and Mr. Davies who were the contract purchasers of the property.

Mr. Bernard Reilly, Esquire with the firm of Gasiorowski and Holbinko in Red Bank, New Jersey represented property owners Mr. and Mrs. Brian Tierney. Mr. Reilly stated that he had objections that he wanted to put on the record that had been voiced in Mr. Gasiorowski's correspondence. He stated that the application had already been before the Board and denied. He noted that typically an application cannot come back before the Board with a law suit pending and unless the new application was significantly different. Mr. Sicheri stated that the application had an Order of the Court remanding the application back to the Board, that there was a difference in the setback proposed in the application and most importantly, a change in the Ordinance which affects the application. Mr. Sicheri stated that his advice to the Board would be not to consider that it was Res Judicata.

A discussion ensued regarding the changes in the ordinance and the variances required for the application.

Mr. James Brzozowski, P.E., P.P., with the firm of Horn, Tyson and Yoder, Inc. was sworn and described the existing property to the Board that was currently developed with a marina use. Mr. Brzozowski stated that the applicants proposed to take all of the marina use facilities off of the Tebco Terrace street frontage and relocate them on the property. He noted that it was proposed that the travel lift and marina office be moved and five new single family homes would be constructed. Mr. Brzozowski stated that the proposed side yard setback along Tebco Terrace was fifteen feet where twenty feet was required. He noted that a side yard setback off of Magnolia Avenue for the jet ski rental building was also required and that all other bulk requirements would be met. Mr. Brzozowski stated that the average front yard setback along the street was 15.3 feet and noted that the development would not stand out in front of all the other houses.

(Tape #697 – Side 4)

Mr. Brzozowski stated that four parking spaces would be provided with two inside and two outside of the garage. Mr. Snyder stated that the area between the houses would be restricted from parking to allow for open space. Mr. Snyder stated that the boat slips in front of the five single family homes would be for the use of the homes.

The Marina use and parking was discussed. Mr. Brzozowski addressed Mr. Little's review letter noting that no additional lighting would be added and that the plantings were a requirement of the CAFRA approval. Mr. Brzozowski stated that he was familiar with the site and the surrounding area and felt that the application could be granted without any detriment. He stated that the development would look like five single family homes and not something that was part of the marina use. He noted that the marine operations would be moved back to the north side of the property, off of Tebco Terrace. Mr. Brzozowski stated that the proposed development was consistent with the Master Plan and an appropriate use for the property.

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 noted that the homes were aesthetically pleasing and would conform to all codes.

Mr. Mark Davies, applicant and contract purchaser, was sworn and testified that the travel lift would be moved to the opposite side of the marina which would be helpful to the neighborhood. Mr. Davies stated that condominium documents would be submitted and that there would be a parking lot at the end of the proposed homes which could be used for overflow parking for the homes.

(Tape #658 – Side 5)

Mr. Reilly cross-examined Mr. Davies. Mr. Davies pointed out the parcel of the marina which they proposed to purchase and discussed the ownership of the property as a condominium. Mr. Reilly stated that he felt subdivision approval was required.

Mr. Reilly cross-examined Mr. Brzozowski regarding the setbacks of the proposed homes. Mr. Brzozowski discussed the proposed site plan and parking.

Mr. Reilly cross-examined Mr. Gaffin regarding the proposed architectural plans. Mr. Gaffin stated that the units would contain five bedrooms and stated that it was possible to make the units smaller.

It was noted that because of the hour, no further testimony would be taken.

Mr. Sicheri announced that the application would be carried to the July 10th meeting at 7:00 PM and that no further notice would be required.

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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 10:25 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN