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, and Mrs. L. J. Schnell presiding.

Members of the Board absent: Mrs. V.E. Applegate, R.H. Bayard, R. L. Jones and Mayor J.H. Mancini.

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


Also present were the following: 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 #705 - Side 1)

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

1. #LUB-19-19: DEAKYNE (Block 15.140, Lot 2) 3304 Long Beach Boulevard, Brant Beach: Mr. Sicheri stated that the applicant was requesting that the deck that was built within the fifteen foot distance between structures remain as-built. Mr. Sicheri stated that a bulk variance was required as well as a waiver of the site plan requirements noting that the site was fully developed.

2. #LUB-23-19: BAY VISTA PROPERTIES, LP (Block 6.37, Lots 4 and 4.01) 115A and B, W South 33rd Street, Beach Haven Gardens: Mr. Sicheri stated that the property currently contained two duplex structures and that the applicant proposed to subdivide the property and retain the duplex structure on the northerly side and demolish the duplex on the southerly side. Mr. Sicheri stated that bulk and special reasons variances, waivers and minor subdivision approval were required.
3. #LUB-24-19: MEYER SHORE, LLC (Block 5.10, Lot 1) 2201 Long Beach Boulevard, Spray Beach: Mr. Sicheri stated that the applicant was proposing to demolish the existing car wash and to subdivide the property into two single family residential building lots which required bulk variances and waivers for lot area and width, as well as minor subdivision approval.

4. #LUB-25-19: SCHOLZ (Block 4.24, Lot 17.01) 4 East 17th Street, North Beach Haven: Mr. Sicheri stated that the applicants proposed to construct a deck extension and staircase on the easterly side of the home which required bulk variances for lot coverage, front yard setback, combined side yard setback and side yard setback.

5. #LUB-26-19: SLADE (Block 5.07, Lot 4) 202 East 22nd Street, Spray Beach: Mr. Sicheri stated that the application would not be heard this evening as the notice was insufficient.

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Minutes of the meeting held June 12, 2019 were presented for approval. Pingaro moved, seconded by Roth for adoption. Konnor, Pingaro, Schnell, Southwick, VanBuren, Roth and Caplicki all voted YES.

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Mrs. Schnell listed the following Resolutions of Memorialization:

1. #LUB-17-19: MARINE MAX, LLC – Resolution of Approval moved by Southwick, seconded by Konnor. The following roll call vote was recorded: Konnor, Pingaro, Schnell, Southwick and VanBuren all voted YES.

2. #LUB-20-19: GRIFFITH – Resolution of Approval moved by Pingaro, seconded by Southwick. The following roll call vote was recorded: Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren and Roth all voted YES.

3. #LUB-21-19: MILLER – Resolution of Approval moved by Konnor, seconded by Southwick. The following roll call vote was recorded: Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren and Roth all voted YES.

4. #LUB-5-17-PF(A): SHAPIRO – Resolution of Approval moved by Pingaro, seconded by Konnor. The following roll call vote was recorded: Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren, Roth and Caplicki all voted YES.

5. #LUB-21-15(C): LEONETTI – Resolution of Approval moved by Konner, seconded by Pingaro. The following roll call vote was recorded: Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren, Roth and Caplicki all voted YES.

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Mr. Sicheri announced that the application of Robert N. and Maureen E. Slade (LUB-26-19) would be held over to the September 11, 2019 meeting and would be renoticed.
(1) #LUB-19-19  BRANT BEACH

TERRENCE A. DEAKYNE  
Owner & Applicant  
Block 15.140, Lot 2  

Mr. Terrance A. Deakyne, Applicant was sworn and evidence was marked as follows: Application and Attachments, and #A-1, Variance Plan prepared by Nelke/Tyszka Land Surveyors, LLC dated February 11, 2019, #A-2.

Mr. Leon Tyszka, P.L.S. licensed in the State of New Jersey and with the firm of Nelke/Tyszka Land Surveyors was sworn and testified that he had prepared the survey for the property and in doing so had made an error in the side yard calculations which required a variance for distance between structures. Mr. Tyszka stated that the error was to an open deck and was the only variance required. Mr. Tyszka stated that the error was noticed on the final grading when the two corners were set.

Mr. Deakyne stated that the site was fully developed and that the deck in question was the only addition. He asked that the Board waive the site plan requirement.

The Public Session was closed.

The Board noted that the setback which required a variance was to the deck and not the wall of the building. The Board noted that the adjoining property was also a commercial property.

Southwick moved, seconded by Roth to approve the application with the site plan as it currently existed and with the condition that the deck never be enclosed or roofed over. The following roll call vote was recorded: Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren, Roth and Caplicki all voted YES.

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

(2) #LUB-23-19  BEACH HAVEN GARDENS

BAY VISTA PROPERTIES, LP  
Owner and Applicant  
Block 6.37, Lots 4 and 4.01  

Mr. James S. Raban, Esquire of Haven Beach, NJ represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Minor Subdivision Plan prepared by Nelke/Tyszka Land Surveyors, LLC dated May 24, 2019, #A-2, Eleven page Architectural Plan prepared by Jay Madden Architect dated June 20, 2019, #A-3, and, Review letter to the Board from Frank J. Little, Jr. P.E. dated August 8, 2019, #B-1. Mr. Raban stated that
the applicant had been before the Board in 1982 for a renovation on the two duplexes and received approvals with the condition that the number of bedrooms did not increase. Mr. Raban stated the applicant was proposing to upgrade the duplex to the north and demolish and construct a single family home on the southern portion of the property. Mr. Raban stated that a minor subdivision of two lots was also proposed with an easement across the southerly lot to access the lot to the north. He noted that all parking would comply and that a shared dock agreement for the two lots was proposed.

Mr. Leon Tyszka, P.L.S., licensed in the State of New Jersey and with the firm of Nelke/Tyszka Land Surveyors was sworn and testified that he had prepared the survey for the proposed subdivision. Mr. Tyszka described the existing property to the Board. The Board discussed the proposed access to lot 4.1 and the parking as proposed. Mr. Raban noted that the conditions already existed and that the access easement was not allowed to be blocked. The Board noted that with the proposed new structure on lot 4.2 there would not be as much room to maneuver vehicles and that with a smaller structure there would be more room from the easement. Mr. Raban stated that if the air conditioner units and the outdoor shower were relocated it would give eleven feet on the southerly side yard of lot 4.2 to allow for more parking.

Ms. Christine Nazzaro Cofone, P.P. was sworn and qualified. Ms. Cofone stated that the application was fairly straightforward and that nonconformities would be eliminated with the proposal. Ms. Cofone stated that the access to the northerly lot would be much as it is today and that the frontage would not change. Ms. Cofone stated that the use of the property would be less dense as four units existed and three were proposed.

(Tape #705 – Side 2)

Ms. Cofone addressed the bulk variances required. The size of the house and the access to the back structure were discussed. The Board was concerned with the size of the access easement and it was suggested that the house be reduced five feet in size to increase the width of the easement.

Mr. Jay Madden, Architect in Harvey Cedars, New Jersey was sworn and described the proposed plans to the Board. Mr. Madden stated that the shape of the house on lot 4.2 was driven by the fact that the owner wanted a split level with parking below.

The Board took a five-minute recess.

(Tape #706 - Side 3)

Mr. Raban requested that the application be amended to reflect that the proposed new home on lot 4.2 be reduced by five feet on the easterly side while increasing the easement to new lot 4.1 by five feet. Mr. Raban stated that the air conditioner units and outdoor shower would also be relocated from the southerly side.

The Public Session was closed.

The Board felt that it was an asset to increase the easement by five feet. Mr. Little stated that the revised plan would delineate the parking, the width of the easement and show a minimum of two parking spaces on the southerly side of lot 4.2. Mr. Little noted that the easement could be
delineated by an L-shaped depressed curb.

Konnor moved, seconded by Caplicki to approve the application for minor subdivision, bulk and special reasons variance, as revised, with the following conditions: 1. That the new home on lot 4.2 be reduced by five feet in width, 2. That the easement be increased to 25 feet in width, 3. That the south side of the single family structure be kept clear to allow for an eleven foot side yard setback to provide off-street parking, 4. That the easement be delineated by a depressed curb, 5. That the Shared Dock Agreement be filed with the Ocean County Clerk with a copy provided to the Board, and, 6. That revised plans be submitted to the Board. The following roll call vote was recorded: Konnor, Pingaro, Schnell, VanBuren, Roth and Caplicki voted YES.

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The Board took a five-minute recess.

Mr. Hummel rejoined the Board.

(3)     #LUB-24-19                         SPRAY BEACH

MEYER SHORE, LLC
Applicant
TOUCHSTONE TECHNOLOGY CONSULTING OPS, INC
Owners
Block 5.10, Lot 1

Mr. Stuart Snyder, Esquire of Surf City, NJ represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Minor Subdivision Plan prepared by Nelke/Tyszka Land Surveyors, LLC dated April 16, 2019, #A-2, Three page Architectural drawing prepared by Craig W. Brearley, AIA dated June 24, 2019, #A-3 and, Review letter to the Board from Frank J. Little, Jr., P.E. dated August 8, 2019, #B-1. Mr. Snyder stated that the owners had a prior approval from the Land Use Board for the updating of the existing car wash and office and the construction of an apartment above. Mr. Snyder stated that his clients were the contract purchasers and that they proposed two single family building lots that faced on 22nd Street. Mr. Snyder stated that the subdivision formula did not apply to the property as it was located in the commercial zone but noted that residential use was allowed in the zone.

Mr. Leon Tyszka, P.L.S. with the firm of Nelke/Tyszka in Ship Bottom, NJ was sworn and qualified. Mr. Tyszka stated that the Subdivision Plan would be modified to remove the depressed curb and show the site triangle. Mr. Tyszka described the existing property and the proposed plan to the Board. Mr. Tyszka stated that the proposed lots were consistent with the majority of the lots within two hundred feet.

Mr. Tyszka stated that the proposed homes would meet all bulk requirements.

Mr. Craig Brearley, Architect of Manahawkin, NJ was sworn and described the proposed architectural plans to the Board. He noted that they would meet the bulk and height requirement.
Mr. Tyszka stated that the sidewalk along Long Beach Boulevard and curbing on both streets would be replaced. Mr. Little stated that the Board typically can grant a waiver for the sidewalk along the side street but that the sidewalk along the Boulevard was required. Mr. Snyder stated that a waiver was requested for the sidewalk along 22nd Street.

Ms. Tiffany Morrissey, Professional Planner in the State of New Jersey was sworn and qualified. Ms. Morrissey stated that the applicant was requesting variances for lot area and lot width in the commercial zone. Ms. Morrissey stated that the proposal would be a better zoning alternative for the property than the abandoned car wash and laundromat that currently existed. Ms. Morrissey stated that the lot coverage and setbacks would be improved by the proposal. She noted that the development would be consistent with the surrounding area.

(Tape #706 – Side 4)

Ms. Morrissey stated that the application was an overall improvement to the property.

The Public Session was closed.

Mr. Snyder requested that the application be approved as submitted.

Mr. Steven Jaffee, Consultant for Meyer Shore, LLC was sworn and testified that they had hired an environmental consultant, Resource Renewal. He stated that the soil had been tested, paper searches conducted and that no contamination had been found and that no additional work was necessary.

The Board felt that the request for two lots was not unreasonable noting the condition that the property was in and how it had not been maintained. They noted that the proposal would be an improvement to the neighborhood.

Konnor moved, seconded by Hummel to approve the application with the waiver of sidewalks along 22nd Street. The following roll call vote was recorded: Konnor, Hummel, Pingaro, Schnell, VanBuren, Roth and Caplicki all voted YES.

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Mr. Little stepped down from the Board for the evening and Mr. Southwick rejoined the Board.

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(4) #LUB-25-19

NORTH BEACH HAVEN

ROBERT J. AND CAROL L. SCHOLZ
Owners & Applicants
Block 4.24, Lot 17.01

Mr. James S. Raban, Esquire of Haven Beach, NJ represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Variance Plan prepared by FRD
Surveying, LLC dated May 9, 2019 with the latest revision dated July 22, 2019, #A-2, Three page architectural drawing prepared by The Creative Minds Group dated June 22, 2019, #A-3, and, Letter to the Board from James S. Raban, Esquire dated August 2, 2019 outlining the amendment to the application, #A-4. Mr. Raban stated that there was a deck on the raised ranch structure with a staircase that runs diagonally in front of the structure. He noted that the applicant proposed to square off the deck and relocate the staircase along the side of the house. Mr. Raban stated that the proposal required bulk variances for combined side yard setback, lot coverage and the extension of the nonconforming front yard setback.

Mr. Frank DeSantis P.L.S., with the firm of FRD Surveying, LLC was sworn and qualified. Mr. DeSantis described the existing property, the deck and the stairway proposed. Mr. DeSantis stated that the proposed stairway would have a landing midway down the stairs. He noted that the proposed lot coverage would increase from 34.2% to 37.5%. It was noted that the existing front yard setback would be extended. Mr. Raban stated that the parking would remain the same and that there would not be any expansion to the living area.

Mr. Edward Goleski, Licensed Architect in the State of New Jersey was sworn and qualified. Mr. Goleski stated that with the moving of the stairs to the side of the structure that there would be room to have two parking spaces underneath the proposed deck.

The Public Session was closed.

Mr. Raban stated that the revised lot coverage for the proposal was 37.1% without counting the landing in the calculation.

The Board noted that they were not in favor of the front yard setback as proposed noting that the adjoining properties were setback further and that they felt that the lot coverage was excessive.

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

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Under New Business, Roth moved, seconded by Hummel to grant the request for a nine month extension of time for Application #LUB-22-18, Rocush. The motion was approved by a voice vote.

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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 9:30 P.M.

LYNNE J. SCHNELL                        JEFFREY C. KONNOR  
CHAIRMAN                                VICE CHAIRMAN