

**BRANT BEACH, NEW JERSEY
FEBRUARY 8, 2012**

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.

Mrs. C.K. Sichiri, 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, 2012 as required by the Open Public Meeting Act.”

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

Members of the Board absent: **Mrs. V. E. Applegate, Commissioner R. H. Bayard, J. C. Konnor, J. A. Leonetti, Mayor J. H. Mancini, R. R. Monaco as Mayor’s Designee, and D. A. Southwick.**

Alternate members of the Board present: **P. M. Moran, J. J. Ternyila and R. L. Jones.**

Also present were the following: **Mrs. C.K. Sichi**ri, Esq., Board Attorney, **Mr. F. J. Little, Jr., P.E., P.P., Board Engineer and Mrs. M. P. Cleary, Senior Clerk.**

(Tape #509 - Side 1)

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Mrs. Sichi

ri gave a brief overview of the application to be considered:

(1) #LUB-4-12: WALSH (Block 15.01, Lots 12 and 13) 11 West Harrington Avenue, Brant Beach: Mrs. Sichi

ri stated that the applicant proposed to demolish the existing duplex and subdivide the property into two lots. Mrs. Sichiri noted that if the Board determined that the lot could not be subdivided then the applicant proposed the same two structures on one lot. Mrs. Sichiri stated that the proposed lots would require bulk variances for lot frontage and lot area as well as waivers. In the alternative, a special reasons variance and a bulk variance for side yard setback would be required for the two structures on one lot.

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Minutes of the meeting held December 14, 2011, were presented for approval. **Jones** moved, seconded by **Ternyila** for adoption. The following roll call vote was recorded: **Pingaro, Schnell, VanBuren, Moran, Ternyila and Jones all voted YES.**

Minutes of the meeting held January 11, 2012 were presented for approval. **VanBuren** moved, seconded by **Ternyila** for adoption. The following roll call vote was recorded: **Pingaro, Schnell, Southwick, VanBuren, Ternyila and Jones all voted YES.**

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

1. **#LUB-1-12: DINEEN** – Resolution of Denial moved by **VanBuren**, seconded by **Pingaro**. The following roll call vote was recorded: **Pingaro, Schnell, VanBuren, Ternyila and Jones all voted YES.**
2. **#LUB-2-12: FISCHKELTA** - Resolution of Approval moved by **VanBuren**, seconded by **Ternyila**. The following roll call vote was recorded: **Pingaro, Schnell, VanBuren, Ternyila and Jones all voted YES.**
3. **#LUB-3-12: ELFANT** – Resolution of Approval moved by **VanBuren**, seconded by **Ternyila**. The following roll call vote was recorded: **Pingaro, Schnell, VanBuren and Ternyila all voted YES.**

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Mrs. Schnell noted that there was one application for the evening, as follows:

(1) **#LUB-4-12** BRANT BEACH

MICHAEL WALSH
Owner & Applicant
Block 15.01, Lots 12 and 13

Mr. Reginald J. Raban, Esquire represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Minor Subdivision Map prepared by Horn, Tyson and Yoder Inc., dated November 7, 2011, **#A-2**, Four page Architectural drawing prepared by Michael Pagnotta, Architect, P.C. dated January 23, 2012 entitled “Harrington Residence A”, **#A-3**, Four page Architectural drawing prepared by Michael Pagnotta, Architect, P.C. dated January 23, 2012 entitled “Harrington Residence B”, **#A-4**, and, review letter to Board from Frank J. Little, Jr., dated February 1, 2012, **#B-1**. Mr. Raban stated that the applicant could tear down the existing structure and construct a new duplex or two detached structures twenty-four feet wide to meet the thirty percent combined side yard set

back. Mr. Raban suggested that a better solution from a planning perspective would be a two lot subdivision with two conforming single family homes.

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 noted that the total tract area was around seven thousand square feet. Mr. Brzozowski submitted an aerial photograph, marked **#A-5** and a sketch showing the lots surrounding the subject property, marked **#A-6**. Mr. Brzozowski described the surrounding neighborhood and noted that while the proposed lots did not meet the strict criteria of the subdivision ordinance the proposed lots would conform to the neighborhood and eliminate a nonconforming use. He noted that bulk variances were required for lot area and frontage.

Mr. Raban requested that the application be bifurcated. It was decided to continue with the application.

Mr. Brzozowski described the alternate request of a duplex use which would consist of two single family homes on the lot. He noted that a bulk variance would be required for combined side yard setbacks as well as a special reasons variance because the two homes would not meet the bulk requirements.

Mr. Brzozowski stated that two single family homes would provide more light and air and would fit into the neighborhood better than one large structure.

Mr. Little noted that the alternate plan was the same plan without the subdivision. Mr. Raban noted that the benefit of the subdivision was that it would eliminate a nonconforming use.

Mr. Brzozowski addressed Mr. Little's review letter noting that a waiver of the sidewalk requirement was requested.

(Tape #509 – Side 2)

Mr. Gary Johnston of 3 Seagull Avenue was sworn and stated that he did not oppose the application.

Ms. Claudia Freeman of 5 West Coughlan Avenue was sworn and stated that she objected to the proposal of the separated duplex. She felt that the subdivision would not be a detriment to the neighborhood but preferred the attached duplex.

The Public Session was closed.

The Board felt that although the application did not meet the letter of the subdivision rule, the subdivided lots were so close to meeting the intent of the rule that it would make sense to approve the application with the subdivision. They noted that the proposal would eliminate a nonconforming use and would not be detrimental to the neighborhood.

Moran moved, seconded by Jones to approve the application with a waiver of the sidewalks and with the condition that the structure be removed within ninety days of

the date of the Resolution of Memorialization. The following roll call vote was recorded: Pingaro, Schnell, VanBuren, Moran, Ternyila and Jones all voted **YES**.

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Under **Public Participation**, Mr. Gary Johnston asked the Board about a vacant house in the neighborhood. The Board suggested that he speak to the Construction Department and the Board of Commissioners regarding the home.

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

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The meeting was adjourned at 7:45 P.M.

LYNNE J. SCHNELL
CHAIRMAN