

**BRANT BEACH, NEW JERSEY
FEBRUARY 19, 2013**

A Special Regular Public Meeting of the Land Use Board of the Township of Long Beach was held in the Court 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.

New board member, Mr. Robert Andreotta was sworn in as Alternate #3.

Mrs. C.K. Sicheri, Board Attorney, made the following announcement: “This is a special 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 Asbury Park Press and filed with the Municipal Clerk on February 15, 2013 as required by the Open Public Meeting Act.”

Members of the Board present: **J. A. Leonetti, Mayor J. H. Mancini, R. Pingaro, D. A. Southwick, R. S. VanBuren and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **Mrs. V. E. Applegate, Commissioner R. H. Bayard and J. C. Konnor.**

Alternate member of the Board present: **R. L. Jones and R. Andreotta.**

Alternate member of the Board absent: **P. M. Moran.**

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

(Tape #529 - Side 1)

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

(1) #LUB-3-13: DEBRUIN (Block 15.134, Lot 1) 3509 Ocean Boulevard, Brant Beach: Mrs. Sicheri noted that the applicants proposed to demolish the existing single family home and construct a new single family home. Mrs. Sicheri stated that a bulk variance was required for side yard setback and that all other bulk requirements would be met.

(2) #LUB-4-13: TMB, INC. (Block 10.17, Lots 1 and 12) 11601 Long Beach Boulevard, Haven Beach: Mrs. Sicheri noted that the applicant proposed a minor

subdivision to establish three lots which required bulk variances for lot area and frontage.

(3) #LUB-6-13: BREEN (Block 20.133, Lot 5) 10 Seaview Drive South, Loveladies: Mrs. Sichei stated that the applicants proposed to demolish the existing single family home and construct a new single family home which required a bulk variance for distance between structures.

(4) #LUB-5-13: LOWRY (Block 6.36, Lots 1.05 and 1.05R) 110 W. South 33rd Street, Beach Haven Gardens: Mrs. Sichei noted that the applicant proposed to construct additions and renovations to the existing single family home which required bulk variances for front and rear yard setback.

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Minutes of the meetings held December 12, 2012 and January 9, 2013 were presented for approval. **Pingaro** moved, seconded by **VanBuren** for adoption. The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, VanBuren and Jones all voted YES.**

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Mr. Konnor listed the following **Resolutions of Memorialization:**

1. **#LUB-1-13: KLINE** – Resolution of Approval moved by **VanBuren**, seconded by **Pingaro**. The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, VanBuren and Jones all voted YES.**
2. **#LUB-2-13: MAZZANTI** – Resolution of Approval moved by **Pingaro**, seconded by **VanBuren**. The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, VanBuren and Jones all voted YES.**

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Mrs. Schnell noted that there were four applications to be considered, as follows:

(1) #LUB-4-13 HAVEN BEACH

TMB, INC.
Owner and Applicant
Block 10.17, Lots 1 and 12

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 December 12, 2012, **#A-2**, two page architectural plan prepared by Studio Tagland Designs LLC, dated January 16, 2013, for Block 10.17, Lot 12.01, **#A-3** two page architectural plan prepared by Studio Tagland Designs LLC, dated January 16,

2013, for Block 10.17, Lot 12.02, #A-4, two page architectural plan prepared by Studio Tagland Designs, LLC, dated January 16, 2013, for Block 10.17, Lot 1.01 #A-5, and letter to Board from Frank J. Little, Jr. P.E., dated February 1, 2013, #B-1. Mr. Raban stated that the applicant proposed to demolish the building that housed the Health Department and two large residential apartments and subdivide the property into three single family building lots.

Mr. James Brzowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing property and the changes proposed. He noted that there were currently three uses on the property which would be replaced with three separate buildings. He felt that three residential buildings would fit into the neighborhood better than two larger residential buildings or a mix of office buildings. He stated that the neighborhood in general would be improved by the subdivision.

Mr. Brzowski addressed the off street parking.

Mr. David Gaffin of Studio Tagland Designs, LLC was sworn and described the proposed architectural plans to the Board. Mr. Gaffin stated that the proposed homes would conform to all bulk variance requirements.

The Board discussed the loss of commercial property.

John and Delores Rosko of 6 E. Mississippi Avenue, adjacent property owners were sworn and testified that while they welcomed the change of commercial to residential use they were not in favor of the proposed subdivision.

Ms. Maura Triebenbacher of 5 E. Wyoming Avenue was sworn and stated her concerns with the proposed subdivision.

Mr. Brzowski addressed the Board Engineer's review letter. He stated that the curbs and sidewalks would conform to the Township ordinance.

Mr. Raban stated that the variance requested was not a hardship variance but a C2 variance which states that the benefit derived from granting the variance outweighs the detriment. Mr. Raban stated that the proposed three lots would be better for the neighborhood than two larger properties and that a nonconforming use would be eliminated.

(Tape #529 – Side 2)

The Public Session was closed.

The Board noted that the present commercial structure had been damaged by Super Storm Sandy and that the demand for profession space had been dwindling. The Board also noted that the current parking was unsafe and that the proposal would decrease lot coverage. Some members felt that two lots would make more sense.

Mancini moved, seconded by Jones to approve the application as submitted. The following roll call vote was recorded: Mancini, Pingaro, Southwick, VanBuren, Jones and Andreotta all voted **YES**. Leonetti and Schnell voted **NO**. **The motion was carried.**

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(2) **#LUB-3-13** **BRANT BEACH**

JOHN & VERONICA DEBRUIN

Owners and Applicants
Block 15.134, Lot 1

Mr. Reginald J. Raban, Esquire represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Horn, Tyson and Yoder Inc., dated November 30, 2012, **#A-2**, and, two page Architectural drawing prepared by Studio Tagland Designs LLC, dated September 18, 2012, **#A-3**.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing property and the changes proposed. Mr. Brzozowski stated that it was originally proposed to raise the existing oceanfront structure but since the storm and the damage to the property the applicants had decided to demolish the existing structure. He noted that the side yard setback would be slightly improved but still required a variance. Mr. Brzozowski noted that because of CAFRA restrictions the house could not be moved to the east or made any longer.

Mr. David Gaffin, Architect was sworn and described the proposed plans to the Board.

The Public Session was closed.

Mr. Raban requested that the application be approved to permit the demolition of the existing structure and the construction of a new single family residence in the footprint that was shown on the variance map.

The Board noted that from a safety point of view it made sense to tear down the existing structure and rebuild. They noted that the proposed structure improved the existing side yard setback.

Southwick moved, seconded by Pingaro to approve the application as submitted. The following roll call vote was recorded: Leonetti, Mancini, Pingaro, Schnell, Southwick, VanBuren, Jones and Andreotta all voted **YES**.

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(3) **#LUB-6-13** **LOVELADIES**

KENNETH M. & ANGELI A. BREEN

Owners and Applicants
Block 20.133, Lot 5

Mr. Reginald J. Raban, Esquire represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Horn, Tyson and Yoder Inc., dated August 27, 2007 bearing the latest revision date of December 14, 2012, #A-2, and, seven page Architectural drawing prepared by Jay Madden, Architect, dated January 21, 2013, #A-3.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing property and the changes proposed. Mr. Brzozowski stated that the applicants planned to demolish the existing home and construct a new home, expanding the footprint to the west. Mr. Brzozowski noted that a CAFRA permit was required as well as a variance for distance between structures. He stated the proposed distance between structures would be an improvement over what currently existed and that several other nonconformities would be eliminated. Mr. Brzozowski stated that the proposed dune walkover would comply with the Township ordinance.

Mr. Jay Madden, Architect in Harvey Cedars, was sworn and described the proposed plans to the Board.

Mr. Raban submitted a Power of Attorney from the adjoining neighbor, Eileen Cuti appointing Brian J. Coyle, Esquire to speak in her behalf regarding the application, marked **P-1.**

Mr. Brian J. Coyle was sworn and testified that Eileen Cuti strongly supported the application and urged the Board to consider the application very seriously.

(Tape #530 – Side 3)

The Public Session was closed.

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

The Board felt that the home, as designed, would be an asset to the neighborhood.

Southwick moved, seconded by Mancini to approve the application as amended. The following roll call vote was recorded: Leonetti, Mancini, Pingaro, Schnell Southwick, VanBuren, Jones and Andreotta all voted **YES.**

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

(4) #LUB-5-13 BEACH HAVEN GARDENS

SCOTT AND EILEEN LOWRY
Owners & Applicants
Block 6.36, Lots 1.05 and 1.05R

Mr. Richard P. Visotcky, Esquire represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by O'Donnell, Stanton and Associates, Inc., dated January 17, 2013, #A-2, plot plan prepared by O'Donnell, Stanton and Associates, Inc., dated August 16, 2012 and bearing the latest revision date of January 17, 2013, #A-3 and, six page Architectural drawing prepared by Jay Madden, Architect, dated December 10, 2012, #A-4. Mr. Visotcky stated the applicants proposed to renovate the property and requested bulk variances for the front and rear yard setbacks. Mr. Visotcky stated that any storm damage had already been corrected.

Mr. Jay Madden, Architect in Harvey Cedars, was sworn and described the proposed plans to the Board. Mr. Madden submitted photographs to the Board, marked #A-5, #A-6 and #A-7 and described the submitted photographs to the Board. Mr. Madden noted that the setbacks would not increase with the proposed improvements.

The Board noted that the applicants should request a height variance to raise the house to comply with the new advisory base flood standards. Mr. Visotcky amended the application to include the height variance.

The Public Session was closed.

Mr. Visotcky requested that the application be approved as amended.

The Board felt that the request was minimal.

Mancini moved, seconded by Leonetti to approve the application as amended, with the addition of the height variance. The following roll call vote was recorded: Leonetti, Mancini, Pingaro, Schnell, VanBuren, Jones and Andreotta all voted **YES**.

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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 8:45 P.M.

**LYNNE J. SCHNELL
CHAIRMAN**