

**BRANT BEACH, NEW JERSEY  
MARCH 11, 2015**

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. Sichiari, 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, 2015 as required by the Open Public Meeting Act."

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

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

Alternate members of the Board present: **R. L. Jones and E. J. Hummel.**

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

Also present were the following: **Mrs. C. K. Sichiari, Esq., Board Attorney, Mr. Frank J. Little, Jr, P.E., P.P., Mrs. L. C. Krueger, Secretary for the Board/Commission and Mrs. S. L. Bongiovani, Clerk.**

**(Tape #587- Side 1)**

\* \* \* \* \*

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

**1. #LUB-11-15: MALMSTROM (Block 20.100, Lot 8) 268 Pompano Drive, Loveladies:** Mrs. Sichiari stated that applicants proposed to construct an outdoor kitchen which required bulk variances for lot coverage and distance from the bulkhead.

**2. #LUB-10-15: MAROLDA (Block 10.23, Lots 4 & 4.01) 11310 Sunset Terrace, Haven Beach:** Mrs. Sichiari stated that applicants were seeking bulk variance for lot coverage so as to retain the existing spa. She stated that the spa was constructed six inches too high and therefore was included in the lot coverage.

**3. #LUB-13-15: SHACKLETON (Block 20.112, Lot 3) 110A Long Beach Boulevard, Loveladies:** Mrs. Sichiari stated that applicant was seeking minor subdivision approval to permit the demolition of the existing structure and to subdivide the existing property into two single family, conforming lots. She noted that the applicant was seeking a waiver from the requirement for concrete curbs and sidewalks.

**4. #LUB-3-15: SCHUSTER (Block 15.01, Lot 5) 25 West Harrington Avenue, Brant Beach:** Mrs. Sicheri stated that applicants were seeking bulk and special reasons variances to retain the addition of a rear deck and staircase on the existing duplex structure. She noted that the applicants had raised the structure and constructed decks which required bulk variances for lot coverage, front and side yard setback.

**5. #LUB-12-15: MCLEER/SCHULER (Block 6.27, Lots 11 & 12) 2 East 32<sup>nd</sup> Street, Beach Haven Gardens:** Mrs. Sicheri stated that applicants were seeking minor subdivision approval to permit the demolition of the existing structure and to create two single family, residential building lots. Mrs. Sicheri stated that bulk variances and design waivers were required for lot frontage and lot area.

\* \* \* \* \*

Minutes of the meeting held January 14, 2015 were presented for approval. **Jones** moved, seconded by **Hummel** for adoption. **Konnor, Leonetti, Schnell, VanBuren, Jones and Hummel all voted YES.**

Minutes of the meeting held February 11, 2015 were presented for approval. **VanBuren** moved, seconded by **Pingaro** for adoption. **Leonetti, Pingaro, Schnell, and VanBuren all voted YES.**

\* \* \* \* \*

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

- 1. #LUB-5-15: LEISTNER/HALPERN** – Resolution of Approval moved by **VanBuren**, seconded by **Pingaro**. The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, and VanBuren** all voted **YES**.
- 2. #LUB-6-15: CLEARY** - Resolution of Approval moved by **Pingaro**, seconded by **Leonetti**. The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, and VanBuren** all voted **YES**.
- 3. #LUB-8-15: YENKOSKY** - Resolution of Approval moved by **VanBuren**, seconded by **Leonetti**. The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, and VanBuren** all voted **YES**.
- 4. #LUB-9-15: LAUREL BEACH DEVELOPERS, LLC** – Resolution of Approval moved by **Pingaro**, seconded by **VanBuren**. The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, and VanBuren** all voted **YES**.

\* \* \* \* \*

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

**SHARON L. MCLEER**  
**KEVIN J. SCHULER**  
Owners and Applicants  
Block 6.27, Lots 11 & 12

**Mr. Reginald Raban, Esquire represented the applicants and evidence was marked as follows:** Application and Attachments, #A-1, Minor Subdivision Map prepared by Horn, Tyson and Yoder, Inc. dated December 5, 2014, #A-2, and, Review Letter to the Board from Frank J. Little, Jr, P.E., dated March 3, 2015, #B-1. Mr. Raban stated that the applicants had inherited the property and proposed to demolish the existing duplex and create two, single family residential building lots.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc.** was sworn and described the existing property and the proposed subdivision to the Board. Mr. Brzozowski stated that the homes constructed on the lots would conform to all of the bulk requirements but that the lots required variances for lot area and frontage. He noted that the approval of the subdivision would eliminate the nonconforming duplex and that two single family homes would increase the amount of setbacks required and therefore the amount of light, air and space between the buildings. Mr. Brzozowski stated that there would not be any detriment to the neighborhood with the proposed plan. He addressed Mr. Little's review letter.

**Ms. Ann Finucani of Beach Haven Gardens** was sworn and testified that architectural plans had not been provided and the Board noted that if the application was approved that the homes would have to comply with all zoning requirements. She noted that she was not in favor of the application.

**Mr. Robert Harris of Beach Haven Gardens** was sworn and asked whether there would be a duplex on each lot and the Board clarified the request of the applicants.

**Mr. Alan Joslyn, adjacent property owner,** was sworn and asked about the rear yard setback and the Board replied that a setback of twenty feet must be maintained.

**Public Session was closed.**

Mr. Raban requested that the application with variances and waivers be approved as submitted. Mr. Raban noted that a nonconforming use would be eliminated and that the plan would allow for more light, air and open space.

The Board noted that a large duplex could be built on the property and felt that two single family homes would be the best use of the property.

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

\* \* \* \* \*

(2) #LUB-13-15 LOVELADIES

**FORREST SHACKLETON**

Owner and Applicant  
Block 20.112, Lot 3

**Ms. Deidre Martin, Esquire represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1**, Minor Subdivision Map prepared by Nelke/Tyszka Land Surveyors, dated February 11, 2015, **#A-2**, and, review letter to Board from Frank J. Little, Jr, P.E., Board Engineer, dated March 3, 2015, **#B-1**. Ms. Martin stated that the applicant proposed to subdivide the property into two lots, both of which would conform to the requirements in the zone.

(Tape #587 – Side 2)

**Mr. Leon Tyszka, Land Surveyor** was sworn and described the proposed subdivision to the Board. Mr. Tyszka stated that the applicant proposed to demolish the existing commercial building and create two residential lots. Mr. Tyszka stated that the proposal did not require any variances but that the applicant was requesting a waiver of curbs and sidewalks. Ms. Martin stated that existing nonconformities would be removed.

**Mr. Forrest Shackleton, owner** was sworn and testified that the building would be demolished when the current occupant's new office was completed.

**The Public Session was closed.**

Ms. Martin requested that the application be approved as submitted.

The Board noted that they would be in favor of the two lots and discussed the demolition of the building. Mr. Little stated that there would be bonding for the demolition of the building. The Board approved the waiver of curbs and sidewalks.

**Konnor moved, seconded by Hummel to approve the application with the waiver of the curb and sidewalks.** The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, VanBuren, Jones, and Hummel** all voted **YES**.

\* \* \* \* \*

(3) #LUB-10-15 HAVEN BEACH

**MARIE MAROLDA**

Owner and Applicant  
Block 10.23, Lots 4 & 4.01

**Mr. Reginald Raban, Esquire, represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1** and Final Survey prepared by Lawrence J. Borio, Professional Land Surveyor dated April 8, 2014 with the latest revision dated January 20, 2015

#A-2, Notice of Violation from Ron Pingaro, Construction Official dated October 2, 2014, #A-3, and Revised Final Survey prepared by Lawrence J. Borio, Professional Land Surveyor dated February 11, 2015, #A-4. Mr. Raban stated the request for lot coverage would be lower because the shower and air conditioner were included in the calculations of lot coverage and should be excluded. Mr. Raban stated that the lot coverage calculation was 34.39% or 1.06 over coverage because of the spa. Mr. Raban stated that the spa was built six inches too high and therefore was calculated in lot coverage. Mr. Raban noted that the built-in spa was located in the rear yard and was not noticeable from the street.

**The Public Session was closed.**

Mr. Raban requested that the application be approved as submitted noting that the request was minimal.

The Board discussed the application and the improper installation by the pool company. Some members of the Board felt that if it was a free standing hot tub and not a built-in spa it would be allowable and that the overage of lot coverage was a minimal deviation.

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

\* \* \* \* \*

(4) #LUB-11-15 LOVELADIES

**MORRIS AND LINDA MALMSTROM III**

Owners and Applicants  
Block 20.100, Lot 8

**Mr. Marc Spielberg, Esquire, represented the applicants and evidence was marked as follows:** Application and Attachments, #A-1, Variance Plan prepared by Nelke/Tyszka Land Surveyors, LLC dated November 13, 2014, #A-2, and, three page Pavilion Detail, #A-3. Mr. Spielberg stated that the applicants proposed to remove the existing grill and install an outdoor kitchen within a covered pavilion. Mr. Spielberg noted that wall were not proposed for the pavilion.

**Mr. Leon Tyszka, Land Surveyor** was sworn and described the property to the Board. Mr. Tyszka stated that the bulkhead was located two feet within the property line and that lot coverage and setbacks were calculated from the bulkhead line. Mr. Tyszka noted that if the bulkhead was located on the lot line a setback variance would not be required for the pavilion and would reduce the lot coverage percentage. He noted that a CAFRA permit was not required.

**Mr. David Ash, Landscape Contractor, licensed in the State of New Jersey** was sworn and described the proposed pavilion and kitchen. He noted that the roof had a two foot overhang.

The Board raised a concern over the roof above the open grill and noted that a fireproof grill hood should be installed if the application was approved.

Mr. Spielberg stated that the location of the bulkhead inside of the property line caused a hardship.

**The Public Session was closed.**

Mr. Spielberg noted that the pavilion would remain open and that the request was minimal. He noted that the two foot roof overhang caused the need for the variances.

The majority of the Board felt that the request was minimal and noted that the neighbors had not objected.

**Konnor moved, seconded by Jones to approve the application with the stipulations that a hood be installed over the cooktop and that a deed restriction be imposed stating that the outdoor pavilion never be enclosed.** The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, VanBuren, Jones, and Hummel** all voted **YES**. **Schnell** voted **NO**.

\* \* \* \* \*

**The Board took a five-minute recess.**

(5) **#LUB-3-15** BRANT BEACH

**ALFRED B. & LAURA I. SCHUSTER**

Owners and Applicants

Block 15.01, Lot 5

**Mr. Alfred B. Schuster represented himself was sworn and evidence was marked as follows:** Application and Attachments, **#A-1**, Plan to accompany application for variance prepared by Land Line Surveyors, dated July 15, 2014 with the latest revision date December 2, 2014, **#A-2**, Plan review record form prepared by Ronald Pingaro, Dated June 20, 2014, **#A-3**, and three pages of photographs of subject house, **#A-4**. Mr. Schuster stated that the duplex had sustained damage from Super Storm Sandy and the home had to be raised. Mr. Schuster stated that the deck and stairway had to be enlarged to accommodate the entrance to the second floor unit increasing the lot coverage.

**David Whitehurst, Construction Manager of Green Life Restorations** stated that his company had raised the house. Mr. Schuster stated that the contractor had obtained a permit for the deck and that the contractor had further expanded the deck. He noted that additional deck space was needed for the air conditioner. The Board noted that since the house was raised the house could be enclosed underneath for storage and that the sheds in the rear could be eliminated, reducing lot coverage. The Board noted that the lot coverage exceeded what was allowed by ten percent.

**Mr. Joseph Cleary of 18 West Harrington Avenue** was sworn and testified that he was not in favor of the application due to the lot coverage issue.

The Board noted that the air conditioner condenser did not need to be located on the deck.

**Mr. Thomas Keefe of West Harrington Avenue** was sworn and asked why a variance had not been obtained before the deck was built and the Board replied that the applicant had obtained a permit but had built more than was approved.

**The Public Session was closed.**

Mr. Schuster stated that he would review what could be done and resubmit. The Board felt that they had sufficient information to continue with the application.

The Board felt that the lot coverage was excessive and that there was a large disparity between what was approved and what had been built.

**(Tape #588- Side 4)**

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

\* \* \* \* \*

Under **New Business**, the Board discussed proposed Ordinances **#15-06C and #15-12C**. The Board was in support of the Ordinances as written and approved same, by voice vote.

\* \* \* \* \*

Under **Discussion** the Board formed a Committee to discuss the End of Year Report.

\* \* \* \* \*

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

\* \* \* \* \*

The meeting was adjourned at 9:20 P.M.

---

**LYNNE J. SCHNELL**  
**CHAIRMAN**

---

**JEFFREY C. KONNOR**  
**VICE CHAIRMAN**