

**BRANT BEACH, NEW JERSEY  
MARCH 12, 2014**

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. 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, 2014 as required by the Open Public Meeting Act.”

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

Members of the Board absent: **Mrs. V. E. Applegate, J. A. Leonetti, 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 members of the Board absent: **P. M. Moran and R. Andreotta.**

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

**(Tape #557 - Side 1)**

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

**(1) #LUB-4-14: PASLOWSKI (Block 1.31, Lot 14) 5 West Jacqueline Avenue, Holgate: Mrs. Sicheri noted that the application had been held over from the January 8, 2014 meeting.** Mrs. Sicheri stated that the applicant proposed to demolish the existing single family home and construct a new single family home. Mrs. Sicheri noted that the lot area and width were not grandfathered and that the proposal also required bulk variances for front yard setback and distance between structures.

**(2) #LUB-9-14: LOUDERBACK (Block 6.32, Lot 4) 15 East South 32<sup>nd</sup> Street, Beach Haven Gardens:** Mrs. Sicheri stated that the applicants proposed to construct

additions and renovations on the existing single family home which required bulk variances for rear and side yard setback as well as combined side yard setback. Mrs. Sicheri noted that the variances were required because the applicant proposed to attach the existing accessory structure to the main structure.

**(3) #LUB-12-14: VALERIO (Block 15.01, Lot 11) 13 West Harrington Avenue, Brant Beach:** Mrs. Sicheri stated that the applicant proposed to construct an elevated rear deck on the newly raised home which required a bulk variance for rear yard setback.

**(4) #LUB-10-14: SHEVLIN (Block 5.12, Lot 6) 204 East 23<sup>rd</sup> Street, Spray Beach:** Mrs. Sicheri stated that the applicant proposed to subdivide the property into two single family building lots which required bulk variances and designed waivers for lot frontage and area.

**(5) #LUB-8-14: TUMINO (Block 15.135, Lot 1) 3500 A & B Long Beach Boulevard, Brant Beach:** Mrs. Sicheri stated that the applicant proposed a minor subdivision to create two single family building lots which required a design waiver as an easement was proposed to cross one lot. Mrs. Sicheri noted that bulk variances were not required.

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Minutes of the meeting held December 11, 2013 were presented for approval. **Bayard** moved, seconded by **Jones** for adoption. The following roll call vote was recorded: **Bayard, Schnell and Jones all voted YES.**

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

1. **#LUB-5-14: FOX** – Resolution of Approval moved by **Pingaro**, seconded by **Jones**. The following roll call vote was recorded: **Bayard, Konnor, Pingaro, Schnell, VanBuren and Jones all voted YES.**
2. **#LUB-6-14: BARRETT** - Resolution of Approval moved by **Konnor**, seconded by **Jones**. The following roll call vote was recorded: **Bayard, Konnor, Pingaro, Schnell, VanBuren and Jones all voted YES.**
3. **#LUB-7-14: EISENBERG** – Resolution of Approval moved by **Pingaro**, seconded by **Jones**. The following roll call vote was recorded: **Bayard, Konnor, Pingaro, Schnell, VanBuren and Jones all voted YES.**

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

(1) #LUB-8-14 BRANT BEACH

**JOHN TUMINO**  
Owner and Applicant  
Block 15.135, Lot 1

**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 11, 2013, #A-2, and, letter to Board from Frank J. Little, Jr., P.E., #B-1. Mr. Raban stated that he did not feel a design waiver was required for the subdivision.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and described the property to the Board. Mr. Brzozowski stated that an easement would cross the flagged shaped lot to the bayfront property. Mr. Brzozowski stated that the existing nonconforming two family home would be eliminated. Mr. Brzozowski addressed the Board Engineer's review letter and noted that the proposed lots were conforming and did not require design waivers.

**The Public Session was closed.**

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

The Board approved of the proposal noting that the lots were conforming and that the old structures would be removed and replaced with new structures which would meet all building codes.

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

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(2) #LUB-10-14 SPRAY BEACH

**DIANE V. SHEVLIN**  
Owner and Applicant  
Block 5.12, Lot 6

**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 September 16, 2013 bearing the latest revision date of January 27, 2014, #A-2, and, review letter to the Board from Frank J. Little, Jr., P.E., dated March 4, 2014, #B-1. Mr. Raban stated that although the subdivision required variances and did not meet the subdivision formula, the existing residential lots within the block were substantially the same size as the proposed lots.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and described the property and the proposed subdivision to the Board. He noted that the applicant proposed a two lot subdivision of equal size to the lots to the rear of the property. He noted that he felt that the lots would fit into the neighborhood. Mr. Brzozowski submitted a Google Earth photograph, marked **#A-4** and photographs of the property, marked **#A-5**. Mr. Brzozowski stated that the subdivision required variances for lot area and width.

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

**(Tape #557 – Side 2)**

**The Public Session was closed.**

Mr. Raban stated that he felt that the lot sizes of the commercial properties, which were pre-existing nonconforming uses, should be excluded from the formula to calculate the allowable lot sizes for the subdivision. Mr. Raban felt that the residential lots should be compared to residential lots. Mr. Raban requested that the subdivision and variances be granted.

The majority of the Board felt that the formula to calculate allowable lot area and width should be adhered to and that the proposal would be an overdevelopment of the site.

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

**Mr. Little stepped down from the Board for the evening.**

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

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**(3) #LUB-9-14 BEACH HAVEN GARDENS**

**GEORGE & SUSAN LOUDERBACK**

Owners and Applicants

Block 6.32, Lot 4

**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 February 10, 2014, **#A-2**, and, one page architectural plan prepared by Craig W. Brearley, Architect dated January 27, 2014, **#A-3**. Mr. Raban stated that the physical setbacks weren't changing. He noted that the requirement was changing because it was proposed to attach the garage to the primary structure and would require bulk variances.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and described the existing property. Mr. Brzozowski stated that it was proposed to construct living space above the garage and connect the garage to the principle structure with a deck. He noted that by connecting the garage, it would become part of the principle structure and would need to adhere to the setback requirements of principle structures. Mr. Brzozowski stated that the required rear yard was 20 feet and 2.3 feet was proposed and that the required side yard setback was 9 feet and 2.2 was proposed. He stated that combined side yard setbacks were also required. Mr. Brzozowski described the properties surrounding the garage. Mr. Brzozowski submitted photographs of the property and surrounding properties, marked #A-4.

**Mr. Craig Brearley, Architect,** was sworn and described the proposed plans. He stated that the existing garage was used for storage space and it was proposed to take the peaked roof off and add a second floor for living space. Mr. Brearley stated that there would be no connection between the storage area and the upper floor noting that an exterior stairway was proposed. He stated that the structure would remain a single family home.

Mr. Brearley addressed moving the detached structure closer to the principle structure and noted why it would not be desirable.

**(Tape #558 – Side 3)**

**Mrs. Susan Louderback, owner of the property,** was sworn and testified. She noted that the space was proposed to give privacy to an elderly family member.

**Mr. Tim Fagan, adjacent property owner to the rear of the subject property,** was sworn and testified that he was concerned that there would be windows in the rear of the garage addition looking out over his property. He noted that the applicants had satisfied his concerns and that he did not object to the construction as proposed.

**The Public Session was closed.**

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

The Board discussed the proposal and noted that the addition of the second floor to the garage would be a hindrance to the adjoining property owners as it was too close to the property line. The Board noted that there were better alternatives.

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

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(4) #LUB-12-14 BRANT BEACH

**MARIA VALERIO**  
Owner and Applicant  
Block 15.01, Lot 11

**Ms. Maria Valerio, represented herself, was sworn and evidence was marked as follows:** Application and Attachments, #A-1, Variance Map prepared by Horn, Tyson and Yoder, Inc. dated February 1, 2010 bearing the latest revision date of November 19, 2013, #A-2, two page rendering of the deck, supplied by the applicant, #A-3, and, five photographs of the existing structure and deck area, #A-4. Ms. Valerio stated that the existing structure had to be raised due to Super Storm Sandy and that she proposed to raise the existing ground level deck as well.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and described the existing property and location. He stated that the proposed front steps had been approved by the building office. Mr. Brzozowski stated that since the rear deck was being raised above grade level, the deck would be calculated in lot coverage. He noted that variances were required for lot coverage and rear yard setback due to the raising of the deck along with the house. Mr. Brzozowski stated that the rear deck would be accessed by a sliding door and provide a second means of access and egress.

**The Public Session was closed.**

The Board felt that the request was minimal, noting that the deck would be raised in place and provide another means of egress.

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

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**Commissioner Bayard and Mr. Konnor stepped down from the Board for the evening.**

(5) #LUB-4-14 HOLGATE

**JENNIFER PASLOWSKI**  
Owner and Applicant  
Block 1.31, Lot 14

**Mrs. Sicheri announced that the application had been held over from the January 8, 2014 meeting. Mr. Marc Spielberg, Esquire continued the application for Mr. Robert J.**

**Kiss, Esquire. Evidence was marked as follows:** letter to Board from Robert J. Kiss, Esquire, dated February 24, 2014, **#A-5**, Revised Plot Plan prepared by MidAtlantic Engineering Partners, LLC, dated December 2, 2013, bearing the latest revision date of February 20, 2014, **#A-6**, piling plan prepared by MidAtlantic Engineering Partners, LLC, dated February 20, 2014, **#A-7**, revised Architectural Plan prepared by Signature Building Systems of PA, LLC dated November 12, 2013 and bearing the latest revision date of February 13, 2014, **#A-8**. Mr. Spielberg stated that the applicant had demolished the home that had existed on the undersized lot, due to the storm. Mr. Spielberg noted that the application had been held over to obtain additional information including a piling plan.

**Mr. Kevin E. Shelly, Licensed Professional Engineer in the State of New Jersey, with the firm of MidAtlantic Engineering Partners, LLC** was sworn and testified that a piling plan had been supplied indicating that parking would be possible under the proposed home. Mr. Shelly noted that the plans had been modified to provide egress from the rear of the home rather than from underneath the home.

**The Public Session was closed.**

Mr. Spielberg requested that the application be approved as revised.

The Board approved of the changes and noted that even though the lot was undersized the proposal did not require a lot coverage variance.

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

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

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The meeting was adjourned at 8:35 P.M.

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

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