

**BRANT BEACH, NEW JERSEY
APRIL 9, 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. Sichei, 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: **J. C. Konnor, J. A. Leonetti, 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, Mayor J. H. Mancini and R. R. Monaco as Mayor’s Designee.**

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. Sichei, Esq., Board Attorney, Mr. F. J. Little, Jr., P.E., Board Engineer and Mrs. L. C. Krueger, Secretary for the Board/Commission.**

(Tape #559 - Side 1)

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

(1) #LUB-11-14: KOPCIENSKI (Block 1.29, Lot 11) 5111 S. Long Beach Boulevard, Holgate: Mrs. Sichei stated that the applicant proposed to construct an addition to the deck on the existing single family home which required a bulk variance for side yard setback and combined side yard setback.

(2) #LUB-13-14: McNAMARA (Block 1.46, Lot 46) 36 East Tebco Terrace, Holgate: Mrs. Sichei stated that the applicants were seeking bulk variances from front yard and side yard setback and distance between structures to permit the partial enclosure of the front porch on the existing single family home.

(3) #LUB-15-14: TOFANI (Block 4.19, Lot 2) 1 East 15th Street, North Beach Haven: Mrs. Sichei stated that the applicant proposed a minor subdivision to create two single family building lots which required bulk variances for lot area and width, and distance between structures as well as design waivers.

(4) #LUB-14-14: SANTINI (Block 12.19, Lot 3) 39 West Sand Dune Lane, Peahala Park: Mrs. Sichei stated that the applicants proposed to elevate the existing home and rebuild the decks and stairway which required bulk variances for front and side yard setback as well as lot coverage.

(5) #LUB-16-14: JOHNSON (Block 15.149, Lot 11) 8 East 31st Street, Brant Beach: Mrs. Sichei stated that the applicants proposed to demolish the existing single family home and construct a new single family home which required bulk variances for side yard setback and distance between structures.

(6) #LUB-17-14: INGRASSELINO (Block 14.04, Lot 14) 107 East Massachusetts Avenue, Beach Haven Crest: Mrs. Sichei stated that the applicants proposed to raise the existing duplex structure, convert it to a single family home and construct an addition on the rear. Mrs. Sichei stated that bulk variances were required for lot area and coverage as well as impervious lot coverage.

(7) #LUB-19-14: JORDEO (Block 12.16, Lot 10) 15 West Ocean View Drive, Peahala Park: Mrs. Sichei stated that the applicant proposed to demolish the existing single family home and construct a new single family home which required a bulk variance for distance between structures.

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Minutes of the meeting held January 8, 2014 and February 5, 2014 were presented for approval. **VanBuren** moved, seconded by **Jones** for adoption. The motion carried by voice vote.

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

- 1. #LUB-4-14: PASLOWSKI – Resolution of Approval moved by VanBuren, seconded by Jones. The following roll call vote was recorded: Pingaro, Schnell, VanBuren, Jones and Hummel all voted YES.**
- 2. #LUB-8-14: TUMINO - Resolution of Approval moved by VanBuren, seconded by Jones. The following roll call vote was recorded: Konnor, Pingaro, Schnell, VanBuren, Jones and Hummel all voted YES.**
- 3. #LUB-9-14: LOUDERBACK – Resolution of Denial moved by Pingaro, seconded by Konnor. The following roll call vote was recorded: Konnor, Pingaro, Schnell, VanBuren, Jones and Hummel all voted YES.**

4. **#LUB-10-14: SHEVLIN** – Resolution of Denial moved by **Hummel**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Pingaro, Schnell, VanBuren and Hummel all voted YES.**
5. **#LUB-12-14: VALERIO** – Resolution of Approval moved by **Jones**, seconded by **Pingaro**. The following roll call vote was recorded: **Konnor, Pingaro, Schnell, VanBuren, Jones and Hummel all voted YES.**

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

(1) **#LUB-15-14 NORTH BEACH HAVEN**

NANCY TOFANI
Owner and Applicant
Block 4.19, Lot 2

Mr. Richard P. Visotcky, 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 March 29, 2013 bearing the latest revision date of February 5, 2014, **#A-2**, two page architectural drawing prepared by Malcolm C. Burton, Architect, L.L.C. dated February 25, 2014, **#A-3**, and, letter to Board from Frank J. Little, Jr., P.E., dated March 25, 2014, **#B-1**. Mr. Visotcky stated that the proposed subdivision would have complied with the subdivision formula for conforming lots if the property had been located entirely in the residential zone. Mr. Visotcky stated that the existing pool would be removed.

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. He stated that the property was split between the commercial and residential zone. Mr. Brzozowski stated that they were seeking variance and waivers for the proposed lots and noted that there was an existing nonconforming distance between structures. Mr. Visotcky submitted photographs of the property, marked **#A-4** and **#A-5**. Mr. Brzozowski described the photographs. Mr. Brzozowski stated that he felt that the proposed lots would be in keeping with the neighborhood. Mr. Brzozowski addressed Mr. Little's review letter.

Mr. Ralph Hooven of 7 East 15th Street was sworn and stated his thoughts regarding the proposed subdivision.

The Public Session was closed.

Mr. Visotcky requested that the application be approved noting that he felt that the subdivision would be more conforming with the neighborhood.

The majority of the Board was not in favor of the application as the lots were not conforming and they felt that they did not conform with the majority of the lots in the neighborhood.

Mr. Richard P. Visotcky, Esquire, represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Plot Plan of Survey prepared by East Coast Engineering, Inc., dated January 23, 2014 bearing the latest revision date of February 6, 2014, #A-2, and, two page architectural plan prepared by Craig W. Brearley, Architect dated December 30, 2013, #A-3. Mr. Visotcky stated that the applicants proposed to raise the storm damaged structure along with rebuilding the decks and steps which required variances for front and side yard setbacks.

Mr. Jason Marciano, P.E., P.P. with the firm of East Coast Engineering, Inc., was sworn and described the existing property. Mr. Marciano stated that a five foot strip ran parallel along the rear of the property. Mr. Marciano stated that it was proposed to remove the shed in the rear of the property. He stated that the home would be raised and parking would be provided underneath the structure. He noted that the stairs would be wrapped around the side of house to allow for clear access under the structure.

The Board discussed moving the structure towards the rear of the lot. They noted that raising the grade level deck would restrict the view of the neighbors. Mr. Visotcky submitted photographs of the existing property, marked #A-4 and #A-5.

Mr. Craig Brearley, Architect, was sworn and described the proposed plans. He stated that the house would have to be moved twice to be raised onto the piling foundation. Mr. Brearley noted that it was proposed to raise the structure in place and that they were before the Board due to the storm. The Board discussed moving the structure back with Mr. Brearley.

The Board took a five-minute recess.

(Tape #560 – Side 3)

Mr. Visotcky submitted a photograph showing the neighbor's deck, marked #A-6. He stated that the applicant would amend the application to reflect a seventeen foot rear yard setback which would create a setback of twelve and a half feet.

The Public Session was closed.

The Board discussed the proposal and noted that they felt that a rear yard setback of fifteen feet should be maintained but would be in favor of granting the side yard setback variance for the staircase located along the side of the home.

Konnor moved, seconded by to Leonetti to approve the application with the condition that a 14.1 foot front yard setback be maintained. The following roll call vote was recorded: Konnor, Leonetti, Pingaro, Schnell, Southwick, VanBuren, Jones and Hummel all voted **YES**.

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(4) **#LUB-16-14** BRANT BEACH

RUSSELL C. & ANNE M. JOHNSON

Owners and Applicants

Block 15.149, Lot 11

Mr. Reginald J. Raban, represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Horn, Tyson and Yoder, Inc. dated September 2, 2013 bearing the latest revision date of December 11, 2013, **#A-2**, and, four page architectural drawing prepared by Musgnug and Associates, Architects, dated October 23, 2013, **#A-3**. Mr. Raban stated that the existing structure had been demolished and the lot was now vacant.

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. Mr. Brzozowski stated that applicants proposed to construct a new single family home which they planned to center on the lot because the structures on either side were each less than five feet from the property line. Mr. Brzozowski stated that keeping fifteen feet between structures would require a combined side yard setback of over twenty feet. He noted that variances were required for distance between structures and side yard setback. Mr. Brzozowski stated that the lot size and the fact that the neighbors were less than five feet from the property line created a hardship in developing the property.

Mr. Brzozowski submitted photographs of the surrounding properties, marked **#A-4**.

Mr. Robert Musgnug, Architect was sworn and testified that it was not cost effective to save the storm damaged home. Mr. Musgnug noted that the majority of the proposed home was open on the easterly side.

The Public Session was closed.

Mr. Raban stated that although the lot was now vacant, a completely conforming home could not be built because of the location of the joiners on each side. Mr. Raban stated that the home had been centered on the lot because the need for the driveway was not significant, noting that parking would be provided underneath and in front of the structure.

The Board discussed the application and stated their concerns with the proposed distance between structures. While some members of the Board approved of the proposal others felt that a smaller home could be designed to conform to the distance between structures.

Leonetti moved, seconded by Hummel to approve the application as submitted. The following roll call vote was recorded: Leonetti, Schnell, VanBuren and Hummel voted **YES**. Konnor, Pingaro, Southwick and Jones voted **NO**. **Mrs. Sicheri stated that the Motion for Approval failed to pass resulting in a denial of the application.**

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Mr. Konnor stepped down from the Board for the following application:

(5) #LUB-11-14 HOLGATE

PAUL KOPCEINSKI

Owner and Applicant

Block 1.20, Lot 11

Mr. Paul Kopcienski, owner, represented himself, was sworn and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Eric R. Glasser, Central Land Surveying dated November 4, 2013 bearing the latest revision date of December 29, 2013, #A-2, and, eight page architectural plan prepared by Gym Wilson, Architects, dated December 6, 2013, #A-3. Mr. Kopcienski stated that he would like to square off his upper deck which would further extend the existing nonconforming side yard setback. He noted that the expansion would be forty-six square feet and the deck would remain open.

The Public Session was closed.

Mr. Kopcienski noted that the application was straightforward and requested that the application be approved as submitted.

The Board felt that the request was minimal.

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

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Mr. Konnor rejoined the Board.

(6) #LUB-17-14 BEACH HAVEN CREST

DONALD & MICHELE INGRASSELINO

Owners and Applicants

Block 14.04, Lot 14

Mr. Richard P. Visotcky, 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 20, 2013 bearing the latest revision date of February 6, 2014, #A-2, and, four page architectural plan prepared by Michael H. Strunk, Architect dated March 7, 2014, #A-3. Mr. Visotcky stated that the applicants originally proposed to raise the storm damaged structure but noted that it would be impractical and were asking to allow the structure to be demolished and rebuilt in the proposed footprint. He noted that it was proposed to convert the existing duplex to a single family home and that the existing shed would be removed.

(Tape #560 – Side 4)

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 the lot was not grandfathered and therefore needed variances for lot area and width. Mr. Visotcky submitted photographs of the subject and surrounding properties, marked **#A-4**. Mr. Brzozowski stated that a lot coverage variance as well as variances for combined side yard setback and distance between structures would be required.

The Board asked if a structure could be designed to be more conforming. Mr. Brzozowski stated that the proposed home could be moved over one foot to increase the westerly side yard setback.

Mr. Michael Strunk, Architect, was sworn and described the proposed plans. Mr. Strunk stated that the proposed new structure would be the same size as the existing structure with the addition proposed. The Board noted that they would like to maintain as close to the required fifteen feet between structures on the westerly side as possible.

Mr. Donald Ingrasselino, owner was sworn and stated the reasons that the plans were revised to build a new structure.

A discussion ensued regarding the redesign of the proposed home. Mr. Visotcky requested that the application be held over for a redesign of the proposed home. Mr. Strunk proposed that the house be moved over one foot and that the overall width of the house be reduced by two feet. Mr. Visotcky requested that the application be amended to reflect an eight foot side yard setback on the westerly side and a four foot setback on the easterly side yard.

The Public Session was closed.

The Board was in agreement with the proposed changes.

Southwick moved, seconded by Jones to approve the application as amended maintaining 14.9 feet between structures on the westerly side with the structure no wider than twenty-eight feet and that revised plans be submitted. The following roll call vote was recorded: Konnor, Leonetti, Pingaro, Schnell, Southwick, VanBuren, Jones and Hummel all voted **YES**.

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(7) **#LUB-19-14** PEAHALA PARK

MICHAEL JORDAO
Owner and Applicant
Block 12.16, Lot 10

Mr. Richard P. Visotcky, Esquire, represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Dante Guzzi Engineering Associates dated February 27, 2014, #A-2, and, three page architectural plan prepared by Craig W. Brearley, Architect dated February 3, 2014, #A-3. Mr. Visotcky stated that the applicant proposed to construct a new single family home on the undersized lot. Mr. Visotcky noted that there were existing nonconformities that would be improved including the distance between structures.

Mr. Anthony F. DeRosa, P.E., P.L.S. with the firm of Dante Guzzi Engineering Associates, was sworn and was qualified. Mr. DeRosa described the existing property to the Board. He noted that the existing structure was below base flood elevation. Mr. Visotcky submitted photographs of the existing and surrounding properties, marked #A-4 and #A-5. Mr. DeRosa stated that some of the variances required were due to the size of the lot and that a side yard setback variance was also requested. He stated that the distance between structures on the westerly side of the property would be improved but still require a variance. He noted that the structures on either side of the lot did not conform to the side yard setback requirements.

(Tape #561- side 3)

Mr. Don Massi, property owner on the westerly side of the property, was sworn and testified that he was not in favor of the application noting that his property would be the most affected if the variance was granted. He noted the reasons he was not in favor of the application.

The Public Session was closed.

Mr. Visotcky stated that Mr. Jordao was the contract purchaser and that if the variance was not approved he would not purchase the property. Mr. Visotcky noted that what would remain would be a duplex below base flood elevation without proper parking. He stated that the new home would be aesthetically appealing and would be further from the neighbor's home than the existing structure.

The Board felt that the since the structure was to be removed the new structure should be brought into compliance as much as possible, especially the distance between structures. It was noted that a new structure could be built on the property without need for variance relief by reducing the width of the home by one and a half feet.

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

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Under **New Business**, the Board discussed proposed Ordinance #14-12C. The Board approved of the Ordinance, as written, by voice vote.

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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 10:00 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN