

**BRANT BEACH, NEW JERSEY
MAY 8, 2013**

A 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.

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, 2013 as required by the Open Public Meeting Act.”

Members of the Board present: **Mrs. V. E. Applegate, Commissioner R. H. Bayard, J. C. Konnor, J. A. Leonetti, R. Pingaro, and Mrs. L. J. Schnell** presiding.

Members of the Board absent: **Mayor J. H. Mancini, R. R. Monaco as Mayor’s Designee, D. A. Southwick and R. S. VanBuren.**

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

Alternate members of the Board absent: **P. M. Moran, R. Andreotta and J. E. Hummel.**

Also present were the following: **Mrs. C.K. Sicheri, Esq., Board Attorney, Mr. D. F. Klee, P.E., P.P., with the firm of Owen, Little and Associates, Inc., Mrs. L. C. Krueger, Secretary for the Board/Commission and Mrs. M. P. Cleary, Senior Clerk.**

(Tape #534 - Side 1)

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

(1) #LUB-13-13-PF: SHACKLETON (Block 4.42, Lot 21) East 20th Street, North Beach Haven: Mrs. Sicheri noted that the applicant proposed to construct a mixed use building with retail office space and garage on the first floor and a residential unit on the second floor. Mrs. Sicheri stated that the proposal required major site plan approval and noted that the use was permitted in the zone and all bulk requirements were being met.

(2) #LUB-12-13: HOWLEY (Block 12.19, Lot 8) 23 West Sand Dune Lane, Peahala

Park: Mrs. Sichei stated that the applicant proposed to demolish the existing single family dwelling and construct a new single family dwelling which required a bulk variance for distance between structures.

(3) #LUB-14-13: WILCOX (Block 12.19, Lots 1 and 1.01) 51 West Sand Dune Lane, Peahala Park: Mrs. Sichei noted that the applicants proposed to demolish the existing single family dwelling and construct a new single family dwelling which required bulk variances for front and rear yard setback.

(4) #LUB-11-13: GUNTHER (Block 12.16, Lot 15) 9006 Long Beach Boulevard, Peahala Park: Mrs. Sichei noted that the applicants proposed to demolish the existing duplex structure and construct a new duplex which required a special reasons variance and bulk variances for lot area and lot coverage.

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Minutes of the meeting held April 10, 2013 were presented for approval. **Jones** moved, seconded by **Leonetti** for adoption. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro and Jones all voted YES.**

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

1. **#LUB-8-13: BELYEA** – Resolution of Approval moved by **Konnor** seconded by **Pingaro**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro and Jones all voted YES.**
2. **#LUB-9-13: NEWBERN** – Resolution of Approval moved by **Jones**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro and Jones all voted YES.**
3. **#LUB-10-13: FRANCESCANGELI** – Resolution of Approval moved by **Konnor**, seconded by **Leonetti**. The following roll call vote was recorded: **Konnor, Leonetti and Pingaro all voted YES.**

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

(1) #LUB-13-13-PF NORTH BEACH HAVEN

FORREST SHACKLETON

Owner & Applicant

Block 4.42, Lot 21

Mr. Willis F. Flower, Esquire with the firm of Ford, Flower, Hasbrouck and King represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Major Site Plan Map prepared by Nelke/Tyszka Land Surveyors, LLC, dated February 1, 2013, revised March 28, 2013, #A-2, Soil Erosion and Sediment Control Plan prepared by Donna M. Bullock, P.E. of 3D Engineering Group.LLC, dated March 18, 2013, #A-3, two page Architectural Plan by Studio Tagland Designs, LLC, dated March 15, 2013, #A-4 and, review letter to the Board from Frank J. Little, Jr., P.E. dated May 2, 2013, #B-1. Mr. Flower stated that the applicant was seeking major site plan approval for a mixed use building on the site.

Mr. Flower addressed Mr. Little's review letter and stated that a signage plan would be prepared for approval by Mr. Little, which would comply with the sign ordinance. Mr. Flower noted that a landscaping plan would be submitted. He stated that any lighting would be attached to the building but the applicant would supply what Mr. Little had requested regarding compliance with lighting standards.

Mr. Donald Calabrese of 4 East 20th Street was sworn and stated his concerns with flooding around the property.

Mr. Forrest Shackleton, owner and applicant was sworn and testified that there would be a recharge system and that the lot would not be paved. Mr. Shackleton stated that a fence would be installed.

Mr. Mario Muglia of 1901 Long Beach Boulevard was sworn and testified that he had a concern with the layout of the garage and inquired as to whether the building was on pilings. Mr. Shackleton stated that the construction would consist of grade beams, pilings, a slab and would be flood proofed.

The Board discussed uses permitted in the zone.

The Public Session was closed.

The Board felt that the proposal was an improvement over the boat storage that currently existed on the property and noted that the applicant was not requesting relief from any ordinances.

Konnor moved, seconded by Applegate to approve the application with the condition that the applicant submit a revised site plan indicating signage, a landscaping plan, trash enclosure and a lighting plan. The following roll call vote was recorded: Applegate, Bayard, Konnor, Leonetti, Pingaro, Schnell and Jones all voted **YES**.

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

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

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(2) #LUB-12-13 **PEAHALA PARK**

JAMES P. HOWLEY
Applicant
JAMES P. AND ANNE M. HOWLEY
Owners
Block 12.19, Lot 8

Mr. James P. Howley, Applicant, represented himself and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Horn, Tyson and Yoder, Inc., dated March 20, 2013 and revised March 25, 2013, #A-2, two page architectural drawing by James P. Howley, dated February 22, 2013, #A-3 and, Variance Map by Horn, Tyson and Yoder, Inc., revised April 23, 2013, #A-4.

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 location of the property.

Mr. Howley stated that the house was substantially damaged by hurricane Sandy and that he was requesting to demolish the existing structure and construct a new single family home on pilings. He stated that he was requesting a distance between structures variance and noted that the distance would be improved.

Mr. Brzozowski stated that the nonconforming shed would also be removed.

The Public Session was closed.

Mr. Brzozowski stated that the proposed home would be in keeping with the other homes in the neighborhood.

The Board felt that the request was reasonable and noted that the distance between the structures was improving and that the home would comply with federal flood regulations.

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

Mr. Jones rejoined the Board.

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(3) **#LUB-14-13** PEAHALA PARK

TIMOTHY AND DONNA WILCOX
Owners & Applicants
Block 12.19, Lots 1 and 1.01

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 May 17, 2002 with the latest revision date of March 28, 2013, #A-2 and, three page architectural plan by David Donachy, Architect dated February 15, 2013, #A-3. Mr. Raban stated that the existing home was a duplex and that a single family home was proposed.

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 location of the property. Mr. Brzozowski stated that it was proposed to demolish the existing duplex and construct a single family home which required a bulk variance for distance from the street. He noted that the setback would be improved and would conform to the general alignment of Sand Dune Lane. He stated that a rear yard setback was also required and noted that there was forty feet between structures.

(Tape #534 – Side 2)

Mr. Brzozowski stated that the home had been damaged by hurricane Sandy and that the new structure would be constructed above the Advisory Base Flood Elevation.

The Public Session was closed.

Mr. Raban requested that the Board approve the application as submitted.

The Board noted that the setbacks requested would be appropriate for the neighborhood and noted that the new structure would be above base flood elevation. The Board approved of replacing the duplex with a single family home noting that the density would be decreased.

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

Commissioner Bayard stepped down from the Board for the evening.

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(4) #LUB-11-13 PEAHALA PARK

WILLIAM J. AND LOREN L. GUNTHER

Owners & Applicants

Block 12.16, Lot 15

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 March 13, 2013 bearing the latest revision date of April 9, 2013, #A-2 and, two page architectural drawing by studio Tagland Architects dated February 1, 2013, #A-3. Mr. Raban stated that the existing structure was an up and down duplex and that the applicants proposed to construct a side by side duplex which required a special reasons variance. Mr. Raban stated that the off street parking would be improved with the proposal.

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 location of the property. Mr. Brzozowski stated that the setbacks would be met on the undersized lot but that a variance would be required for lot coverage. Mr. Brzozowski discussed with the Board whether the roof overhang was considered to be lot coverage and it was determined that it was. Mr. Brzozowski stated that would increase lot coverage to 37.2%.

Mr. Brzozowski stated that the home had damage from hurricane Sandy and needed to be raised. He noted that the foundation was not sufficient and since there was nowhere to move the house to install pilings the applicants had decided to demolish the existing structure.

The Board discussed the proposed lot coverage.

Mr. William Gunther, owner was sworn and testified that the storm had damaged the existing house and when they started to fix it up they realized just how bad the structure and plumbing were. He stated that they felt that it did not make sense to fix the house up. The Board discussed the garage parking and lot coverage.

The Board took a five minute recess.

Mr. Raban stated that the applicants would modify their application by reducing the front overhand above each entryway which would result in lot coverage of 35.8%.

Mr. David Gaffin, Architect with the firm of Studio Tagland, was sworn and described the modification of the entryways.

The Public Session was closed.

While some members of the Board were not in favor of the increase in lot coverage it was noted that the applicants had modified the application to reduce the lot coverage and that all setbacks were being met. It was also noted that the new duplex structure would be above the Base Flood Elevation and meet all building code requirements.

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

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(Tape # 535 – Side 3)

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

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

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN