

**BRANT BEACH, NEW JERSEY
MAY 14, 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.

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

Members of the Board present: **V. E. Applegate, J. C. Konnor, J. A. Leonetti, R. R. Monaco as Mayor’s Designee, R. Pingaro, R. S. VanBuren and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **Commissioner R. H. Bayard, Mayor J. H. Mancini and D.A. Southwick.**

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

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

(Tape #562 - Side 1)

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

(1) #LUB-18-14: BOGOSIAN (Block 11.11, Lot 18) 2 East Lillie Avenue, Beach Haven Park: Mr. Sichiari stated that the applicants proposed to construct an elevator on the existing single family home which required bulk variance relief for front yard setback.

(2) #LUB-20-14: ZIMAN (Block 18.111, Lots 1 & 2) 1111A Long Beach Boulevard, North Beach: Mr. Sichiari stated that the applicant proposed a minor subdivision to relocate the common lot line. Mr. Sichiari noted that variances were not required.

(3) #LUB-21-14: DRURY (Block 11.26, Lot 8.01) 9806 Beach Avenue, Beach Haven Park: Mr. Sichiari stated that the applicants proposed to construct two new exterior balconies which required a bulk variance for front yard setback.

(4) **#LUB-22-14: AGOGLIA (Block 14.07, Lot 12) 7812 Bayview Avenue, Beach Haven Crest:** Mr. Sicheri stated that the applicants proposed to raise the existing structure and construct a deck which required bulk variances for lot coverage and front yard setback.

(5) **#LUB-23-14: EISENBERG (Block 7.04, Lot 1) 13211 Long Beach Boulevard, Beach Haven Terrace:** Mr. Sicheri stated that the applicants proposed to convert the existing retail use to a restaurant use which was intended to complement the Terrace Tavern. Mr. Sicheri stated that amended site plan and bulk variances for lot area and width as well as rear yard setback were required.

(6) **#LUB-24-14: LYONS (Block 6.47, Lot 7) 18 East Delaware Avenue, Beach Haven Gardens:** Mr. Sicheri stated that the applicants proposed to demolish the existing single family home and construct a new single family home which required bulk variances for lot coverage, side, rear and front yard setbacks.

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Minutes of the meeting held March 12, 2014 were presented for approval. **VanBuren** moved, seconded by **Pingaro** for adoption. The following roll call vote was recorded: **Konnor, Pingaro, Schnell, VanBuren, Jones and Hummel all voted YES.**

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

1. **#LUB-11-14: KOPCIENSKI** – Resolution of Approval moved by **VanBuren**, seconded by **Jones**. The following roll call vote was recorded: **Leonetti, Pingaro, Schnell, VanBuren, Jones and Hummel all voted YES.**
2. **#LUB-13-14: MCNAMARA** - Resolution of Approval moved by **Hummel**, seconded by **VanBuren**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, VanBuren, Jones and Hummel all voted YES.**
3. **#LUB-14-14: SANTINI** – Resolution of Approval moved by **Pingaro**, seconded by **Hummel**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, VanBuren, Jones and Hummel all voted YES.**
4. **#LUB-15-14: TOFANI** – Resolution of Denial moved by **Konnor**, seconded by **VanBuren**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, VanBuren and Hummel all voted YES.**
5. **#LUB-16-14: JOHNSON** – Resolution of Denial moved by **Konnor**, seconded by **Jones**. The following roll call vote was recorded: **Konnor, Pingaro and Jones all voted YES.**
6. **#LUB-17-14: INGRASSELINO** – Resolution of Approval moved by **Pingaro**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, VanBuren, Jones and Hummel all voted YES.**

7. **#LUB-19-14: JORDAO** – Resolution of Denial moved by **Pingaro**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, VanBuren, Jones and Hummel all voted YES.**

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Mr. Sicheri noted that Board Member, Patrick M. Moran, had been sworn in.

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

(1) **#LUB-18-14 BEACH HAVEN PARK**

DONALD & NANCY BOGOSIAN

Owners and Applicants

Block 11.11, Lot 18

Mr. Donald Bogosian, represented himself and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Gravatt Consulting Group, dated February 6, 2014, #A-2, two page architectural drawing prepared by Craig W. Brearley Architect dated January 28, 2014, #A-3.

Mr. Bruce Jacobs with the firm of Gravett Consulting Group was sworn and qualified. Mr. Jacobs described the property to the Board. He stated that the proposed elevator would require a front yard setback variance and noted that the elevator had been located next to the garage door for easy access to the rest of the house. He stated that the placement of the elevator did not interfere with the parking or access to the garage.

The Public Session was closed.

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

The Board felt that the request was reasonable.

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

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(2) **#LUB-20-14 NORTH BEACH**

ZIMAN DEVELOPMENT, INC.

Applicant

EVELYN S. ANDERSON QUALIFIED PERSONAL

RES. TRUST BY DAWN MILCH, TRUSTEE

Owner

Block 18.111, Lots 1 & 2

Mr. Howard Butensky, Esq., represented the applicant and evidence was marked as follows: Application and Attachments including deeds (1946 & 1965) in regard to said property, #A-1, Minor Subdivision Map prepared by Horn, Tyson & Yoder, Inc. dated January 24, 2014, #A-2, and, letter to Board by Frank J. Little, Jr., P.E. dated May 5, 2014, #B-1.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the property to the Board. Mr. Brzozowski stated that it was proposed to move the property line of the westerly lot twenty feet in an easterly direction and expand the access easement to twenty feet wide. Mr. Brzozowski noted that a rectilinear turnaround would also be provided. Mr. Brzozowski pointed out that both lots would be conforming.

The Public Session was closed.

The Board noted that the lots were in conformance and approved of the proposed shift of the lot line.

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

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(3) **#LUB-21-14** **BEACH HAVEN PARK**

THOMAS J. DRURY JR.

Owner and Applicant
Block 11.26, Lot 8.01

Mr. Thomas J. Drury, represented himself and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Nelke/Tyszka Land Surveyors, LLC, dated March 13, 2014, #A-2, Three page architectural plan prepared by Seiler & Drury Architecture dated February 14, 2014, #A-3, Variance Map prepared by Nelke/Tyszka Land Surveyors, LLC dated March 13, 2014, revised April 23, 2014, #A-4, and, three photographs submitted by the applicant, #A-5.

Mr. Leon J. Tyszka, Professional Land Surveyor with the firm of Nelke/Tyszka Land Surveyors, LLC was sworn and described the existing property. Mr. Tyszka stated that the applicant proposed to enclose existing decks. Mr. Tyszka stated that two, two foot balconies were proposed that would encroach into the front yard setback and require a variance.

Mr. Drury stated that the encroachment was a minor deviation from the required setback and would allow for light and air in each bedroom where the balconies were proposed to be located. Mr. Drury noted that his neighbor to the north had an overhang which protruded two feet into the front yard setback and that the proposed balconies would not extend any further than the neighbor's overhang.

Mr. Michael John Drury, Architect with the firm of Seiler & Drury Architecture was sworn and testified that he had prepared the architectural plans.

The Public Session was closed.

The Board felt that the proposed balconies were aesthetically pleasing and noted that the neighbor's overhang also protruded into the setback. They noted that it was a minor deviation.

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

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

(4) #LUB-22-14 **BEACH HAVEN CREST**

WILLIAM & MARIA AGOGLIA

Owners and Applicants

Block 14.07, Lot 12

Mr. Reginald J. Raban, represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Nelke, Constantine & Assoc., Inc., dated December 2, 2013 bearing the latest revision date of March 17, 2014, **#A-2**, Two page architectural drawing prepared by Craig W. Brearley Architect, dated July 5, 2013, **#A-3**, and, notarized statement and pictures provided by the Building Department, **#B-1**.

(Tape #562 – Side 2)

Mr. Raban stated that the home had sustained storm damage and that the applicants were in the process of raising the home. He noted that the applicants wished to square off the deck in the back of the house.

Mr. Craig W. Brearley, Architect, was sworn and described the existing property and location. He stated that the deck that was proposed across the rear of the home would be encumbered by a spiral staircase to a roof top deck. He stated that the deck as proposed was a usable size. The Board discussed the application with Mr. Brearley. Mr. Brearley stated that the deck would be squared off and wrap around to an exterior door.

Mr. Robert Stewart of 106 W. Jeanette Avenue was sworn and stated his concern as to enclosing the deck in the future.

The Public Session was closed.

The Board noted that the request was minimal but felt that the deck should never be enclosed.

Moran moved, seconded by Pingaro to approve the application as submitted with the stipulation that a Deed Restriction be filed restricting the deck from being enclosed. The following roll call vote was recorded: Applegate, Konnor, Monaco, Pingaro, Schnell, VanBuren, Moran, Jones and Andreotta all voted **YES**.

(Tape #563 – Side 3)

Mr. Leonetti rejoined the Board.

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(5) #LUB-24-14 BEACH HAVEN GARDENS

JOHN S. & PATRICIA M. LYONS

Owners and Applicants

Block 6.47, Lot 7

Mr. Reginald J. Raban, represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by JCR Engineering, LLC, dated March 20, 2014, **#A-2**, Modular home plans prepared by Phoenix Custom Modular Homes dated November 14, 2013, **#A-3**, and Revised Modular home plans prepared by Ritz-Craft Corporation dated February 11, 2014, **#A-4**. Mr. Raban stated that the applicants proposed to build a one story house noting that the lot was shallow.

Mr. Robert Woodcock, P.E., P.P. with the firm of JCR Engineering was sworn and qualified. Mr. Woodcock described the proposed plans to the Board. Mr. Woodcock stated that it was proposed to demolish the existing storm damaged home as well as the existing garage. Mr. Woodcock stated that removing the garage would eliminate two existing nonconformities. He described the variances that were being requested for the proposed new one story home. He noted that the home itself required 35% lot coverage with the additional coverage consisting of the porch, deck and steps which brought the total lot coverage to 44.6% where 33.3% was allowed. He noted that the home was modest and that the necessity of the lot coverage variance was due to the small size of the grandfathered lot.

Mr. Raban stated that a two story house could be designed to fit the lot but that it did not meet the needs of his client. Mr. Raban stated that the applicant would agree to a deed restriction that the decks never be enclosed and that a second story not be added.

Mr. John S. Lyons, Owner was sworn and testified that the property had been purchased in 1990 and was not rented out but kept for family use. He stated that he and wife plan to retire to the property and desired to have all living area on one floor. Mr. Lyons stated that he felt that the

home would fit into the neighborhood. He stated that the shallow depth of the lot caused the hardship.

The Board noted that the lot coverage was far in excess of what currently existed on the lot and suggested that an elevator would allow for easy access to a second floor. The Board stated that since the existing house was going to be demolished creating an empty lot, a new home could be designed to fit the lot.

The Public Session was closed.

Mr. Raban requested that the application be approved as submitted noting that the applicant was agreeable to the mentioned deed restrictions. Mr. Raban noted that the side yards would remain open.

The Board stated that a conforming house could be built on the lot and noted that an elevator would give easy access to a second floor.

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

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(6) #LUB-23-14 BEACH HAVEN TERRACE

STEVEN & CASILDA EISENBERG

Owners and Applicants

Block 7.04, Lot 1

Mr. Stuart Snyder, Esquire, represented the applicant and evidence was marked as follows: Application and attachments which include the following items: *Long Beach Township Planning Board Resolution 4-96 with regard to said property, *Deed dated July 22, 1996 with regard to said property, **#A-1**, Site plan map prepared by Horn, Tyson & Yoder, Inc. dated January 24, 2014 with the latest revision date of March 11, 2014, **#A-2**, Architectural drawing prepared by DNA Architects dated February 18, 2014, **#A-3**, and, four photographs submitted by the Applicant, **#A-4**, Letter to Board by Frank J. Little, Jr., P.E., dated May 5, 2014, **#B-1**. Mr. Snyder stated that prior to Storm Sandy the property was the site of the Ooh-la-la Gift Shop and that in 1996 the Board had approved an expansion of the site and gift shop.

Mr. Snyder noted that the applicants also owned the neighboring property which was the Terrace Tavern. Mr. Snyder stated that the applicants proposed to convert the existing retail building into a bar and kitchen with twenty-four seats which they planned to run in conjunction with the Terrace Tavern. Mr. Snyder noted that the footprint of the structure would not be expanded.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the property to the Board. The trash removal on the property was addressed. Mr. Brzozowski stated that there was room on the property for the trash area but that Mr. Eisenberg proposed to dispose of the trash through the Terrace Tavern. Mr. Brzozowski stated that a trash corral would be provided on site and that a new handicapped ramp would be built. Mr. Brzozowski submitted photographs of the property, marked #A-4 and addressed Mr. Little's review letter. Mr. Brzozowski addressed the onsite and street parking.

Mr. Steven Eisenberg, Owner was sworn and testified that the plan was to have an oyster bar, fresh fish and take-out, along with a bar and small kitchen.

(Tape #563 - Side 4)

Mr. Eisenberg stated that twenty-four seats were proposed. The hours of operation were discussed.

Mr. Robert Poultney of 8 E. Maryland Avenue was sworn and stated his concerns with the extra activity the proposal would create, parking and traffic. Mr. Poultney submitted a packet of photographs, marked #O-1.

Ms. Gail Whetmore of 5 West Maryland Avenue was sworn and testified that she was in favor of the application.

Mr. John Brennan of 13601 Long Beach Boulevard was sworn and testified that he was in favor of the application.

Mr. Michael Coles of 95 North Ohio Avenue was sworn and testified that he felt the proposal would be a nice addition to the area.

Mr. Mario Muglia of 1901 Long Beach Boulevard was sworn and testified that he was concerned with the loss of commercial areas and was in favor of the application.

The Public Session was closed.

Mr. Snyder requested that the application be approved as submitted and requested that the hours of operation be from seven a.m. to midnight. Mr. Snyder stated that the conditions spoken about would be agreeable. The Board discussed the hours of operation.

The Board felt that the proposal was a good addition to the area and would be in favor of the application.

Moran moved, seconded by Pingaro to approve the application with the conditions that a trash receptacle be provided and approved by the Board Engineer and that the hours of operation be limited to 7 a.m. to midnight with no food to be served after 11 p.m. The following roll call vote was recorded: Applegate, Konnor, Leonetti, Monaco, Pingaro, Schnell, VanBuren, Moran, and Jones all voted **YES**.

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(Tape #564 – Side 5)

The Board discussed the Year End Report recommendations. Mr. Little suggested that the Board add “pervious” to the recommendation regarding planting buffers. **Jones moved, seconded by Moran to approve the Report as amended.** The following roll call vote was recorded: Applegate, Konnor, Leonetti, Monaco, Pingaro, Schnell, VanBuren, Moran, Jones, Andreotta 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 9:40 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN