

**BRANT BEACH, NEW JERSEY
JUNE 12, 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, J. A. Leonetti, R. R. Monaco as Mayor’s Designee, R. Pingaro, D. A. Southwick, R. S. VanBuren and J. C. Konnor presiding.**

Members of the Board absent: **Commissioner R. H. Bayard, Mayor J. H. Mancini, Mrs. L. J. Schnell.**

Alternate member of the Board present: **P. M. Moran, R. L. Jones and R. Andreotta.**

Alternate members of the Board absent: **J. E. Hummel.**

Also present were the following: **Mrs. C.K. Sicheri, Esq., Board Attorney, Mr. Frank J. Little, Jr., 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 #536 - Side 1)

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

(1) #LUB-19-13: JOHNSON AND JORO INVESTMENTS, LLC (Block 11.27, Lots 5.01 and 5.02) 121 and 123 East Alabama Avenue, Beach Haven Park: Mrs. Sicheri noted that the applicants were requesting minor subdivision approval to reconfigure the existing two lots and noted that variances were not required.

(2) #LUB-20-13: MASELLA (Block 12.16, Lots 1 and 1.01) 47 West Oceanview Drive, Peahala Park: Mrs. Sicheri stated that the applicants proposed to demolish the

existing single family dwelling and construct a new single family dwelling which required bulk variances for setback from the street and side yard setback.

(3) #LUB-17-13: HEUBACH (Block 11.23, Lot 17) 19 West California Avenue, Beach Haven Park: Mrs. Sicheri noted that the applicant proposed to demolish the existing single family dwelling and construct a new single family dwelling which required bulk variances for side yard, front and rear yard setbacks as well as distance between structures.

(4) #LUB-15-13: INSERRA, JR, LARSEN AND DUPONT (Block 10.31, Lots 8 and 9) 124 East South Carolina Avenue, Haven Beach: Mrs. Sicheri noted that the applicants proposed renovations to the existing single family home which required bulk variances for front and rear yard setback.

(5) #LUB-16-13: FERENCE (Block 5.20, Lot 1) 2401 North Atlantic Avenue, Spray Beach: Mrs. Sicheri noted that the applicants proposed to demolish the existing single family dwelling and construct a new single family dwelling which required a bulk variance for lot coverage.

(6) #LUB-18-13: DiBARI (Block 5.01, Lots 2 and 2.01) 2108 Waverly Avenue, Spray Beach: Mrs. Sicheri noted that the applicants proposed to demolish the existing duplex structure and construct a new single family home which required bulk variances for side yard setback, combined side yard setback and setback from the accessory structure.

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Minutes of the meeting held May 8, 2013 were presented for approval. **Pingaro** moved, seconded by **Applegate** for adoption. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Pingaro and Jones all voted YES.**

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Mr. Konnor listed the following **Resolutions of Memorialization:**

1. **#LUB-11-13: GUNTHER** – Resolution of Approval moved by **Pingaro** seconded by **Leonetti**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti and Pingaro all voted YES.**
2. **#LUB-12-13: HOWLEY** – Resolution of Approval moved by **Applegate**, seconded by **Pingaro**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti and Pingaro all voted YES.**
3. **#LUB-13-13-PF: SHACKLETON** – Resolution of Approval moved by **Applegate**, seconded by **Jones**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Pingaro and Jones all voted YES.**
4. **#LUB-14-13: WILCOX** – Resolution of Approval moved by **Pingaro** seconded by **Applegate**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti,**

Pingaro and Jones all voted YES.

5. **#LUB-21-09C: ROTHENBERG** – Resolution of Approval moved by **Konnor**, seconded by **Southwick**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Pingaro, Southwick and VanBuren all voted YES.**

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Mr. Konnor noted that there were six applications to be considered, as follows:

(1) **#LUB-19-13** **BEACH HAVEN PARK**

ERIK JOHNSON & JORO INVESTMENTS, LLC

Owners and Applicants
Block 11.27, Lots 5.01 & 5.02

Mr. Reginald J. Raban, Esquire represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Minor Subdivision Map prepared by Nelke/Tyszka Land Surveyors, LLC, dated April 17, 2013, **#A-2**, Minor Subdivision with area map prepared by Nelke/Tyszka Land Surveyors, LLC, dated April 17, 2013., **#A-3**, and, review letter to the Board from Frank J. Little, Jr., P.E. dated May 23, 2013, **#B-1**. Mr. Raban stated that the proposed minor subdivision was completely conforming. Mr. Raban noted that the applicant would comply with the Board Engineer’s review letter.

Mr. Erik Johnson, Applicant was sworn and testified that he would comply with Mr. Little’s review letter and that curbs would be installed.

Mr. Robert C. McGrorey of 103 E. Alabama Avenue was sworn and testified that the elevation on the plans was marked as thirty-six feet. The Board noted that the height was valid for the oceanfront lot only. Mr. Little noted that the plan should be revised to correctly indicate the maximum height on each lot.

The Public Session was closed.

Mr. Raban requested that the application be approved as submitted noting that the plan would be amended to show the proper elevation for each of the proposed homes.

The Board noted that the lots were conforming per the ordinance and were in favor of the application.

Southwick moved, seconded by Moran to approve the application with the conditions that a height variance would not be required and that curbs would be installed. The following roll call vote was recorded: Applegate, Konnor, Leonetti, Monaco, Pingaro, Southwick, VanBuren, Moran and Jones all voted **YES**.

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

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(2) **#LUB-20-13** PEAHALA PARK

WILLIAM & MARY-JANE MASELLA

Owners and Applicants
Block 12.16, Lots 1 & 1.01

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 March 13, 2013 and revised May 16, 2013, **#A-2**, and, two page architectural plans prepared by Craig W. Brearley, AIA, dated May 17, 2013, **#A-3**. Mr. Visotcky stated that the applicant proposed to demolish the existing single family home and construct a new single family home. He noted that the existing structure was below the base flood elevation and had been damaged by the storm. Mr. Visotcky stated that the proposed new structure would increase lot coverage by two percent.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the current condition of the existing property. He stated that proposed building would be in essentially the same footprint but with additional stairways. Mr. Visotcky submitted photographs of the property, marked **#A-4** and **#A-5**. Mr. Visotcky submitted a rendering of the architectural plans, marked **#A-6**. Mr. Brzozowski stated that a variance was required for the front landing.

(Tape #536 – Side 2)

Mr. Brzozowski described the variances required. Mr. Brzozowski stated that the stairs and landings exceeded the allowable sixty square feet because of the elevation of the house and the configuration of the lot.

Mr. William Masella, owner was sworn and described the proposed plans.

Ms. Jacqueline Owen and Raymond Hasselbrook of 48 West Sand Dune Lane were sworn and testified that they were in favor of the application.

Mr. Fred Viggiano of 41 West Oceanview Drive was sworn and testified that he was in favor of the application.

The Public Session was closed.

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

The Board noted that there was sufficient distance between adjoining structures as well as open space around the lot that could never be developed, which would allow for sufficient

light and air.

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

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(3) **#LUB-16-13** **SPRAY BEACH**

LOUIS & ANNE MARIE FERENCE

Owners and Applicants

Block 5.20, Lot 1

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 October 6, 2009 with the latest revision date of March 14, 2013, **#A-2** and, two page architectural plan prepared by Studio Tagland Designs, LLC dated March 19, 2013, **#A-3**. Mr. Raban stated that the single family home was damaged in the storm and that the applicants proposed to construct a new single family home which would improve the existing nonconformities.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the property as it existed and the location of the property. Mr. Brzozowski stated that the proposed home required variances for lot coverage and setback from the street but both would be an improvement over what existed. Mr. Brzozowski submitted a packet of photographs, marked **#A-4**.

The Public Session was closed.

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

The Board felt that the application was straightforward noting that the proposed home was well designed and that the setbacks were an improvement over what currently existed.

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

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(4) **#LUB-17-13** **BEACH HAVEN PARK**

ELYSE HEUBACH

Owner and Applicant

Block 11.23, Lot 17

Mr. Eric P. LeBoeuf, Esquire with the firm of Esposito and LeBoeuf, LLC represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by FRD Surveying, LLC, dated March 22, 2013 bearing the latest revision date of March 29, 2013, #A-2 and, three page architectural drawing prepared by Vince J. Sibona, Jr., of the Sibona Group, dated March 29, 2013, #A-3. Mr. LeBoeuf stated that it was proposed to demolish the existing structure and construct a new single family home. Mr. LeBoeuf noted that a lot coverage variance may be required as well, due to the configuration of the landings and stairs.

Mr. Vincent J. Sibona, Jr., Architect was sworn and described the proposed plans to the Board. He noted that an intermediate landing had been placed in the stairs to ease negotiation of the stairs.

(Tape #537 – Side 3)

Mr. Sibona stated that the proposed home would be in keeping with the neighborhood. Mr. Sibona described the variances required for the proposed new structure noting that some of the existing nonconformities would be reduced.

Ms. Dawn Paterski of 21 West California Avenue, adjacent neighbor was sworn and testified that she was in favor of the application.

The Public Session was closed.

Mr. LeBoeuf stated that the application was straightforward and that the increase in lot coverage was due to the stairs and landings exceeding the sixty feet allowed by ordinance.

The Board felt that the application was straightforward and that the new structure would be an improvement to the neighborhood.

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

The Board took a five-minute recess.

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

(5) #LUB-15-13 HAVEN BEACH

**LAWRENCE INSERRA, JR., MARIE LARSEN
& LAURA DUPONT
Owners and Applicants
Block 10.31, Lots 8 & 9**

Tyson and Yoder, Inc., dated November 18, 2010 with the latest revision date of April 29, 2013, #A-2 and, two page architectural plan prepared by Craig Brearley, Architect dated May 1, 2013, #A-3. Mr. Raban stated that the existing home was a duplex and that a single family home was proposed. Mr. Raban stated that there was a ten foot easement to the north that would allow for sufficient space between structures and that the applicants had proposed to build the new structure further to the north. He noted that the neighbor to the north was concerned that his building envelope may be compromised by the proposal and that the applicants would propose to build the home in the same footprint.

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. The Board discussed the ten foot easement. Mr. Raban stated that the deed expressly stated that the easement remain open and unobstructed.

(Tape #537 – Side 4)

The Board discussed maintaining fifteen feet from the house to the south. Mr. Brzozowski submitted a packet of photographs, marked #A-4. He described the photographs to the Board.

Mr. Louis DiBari, owner was sworn and testified that because of the storm they wanted to raise the home in case flooding occurred again. He stated that after everything they had been through, they decided to demolish the existing duplex structure and build a new single family home.

Mr. Michael Ruffenach, property owner to the north, was sworn and testified that he was concerned with the distance between the structures and if the variance was granted, how it would affect him in the future. Mr. Ruffenach stated that he did not have an objection with the proposal if the new home was built in the existing footprint.

The Public Session was closed.

Mr. Raban requested that the application be amended to allow the home to be built in the old footprint with the addition of the deck in the rear. Mr. Raban requested that the application be approved as amended.

The Board noted that the nonconforming duplex would be removed and that they would approve of the single family home being built in the same footprint.

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

Mr. Jones rejoined the Board.

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Under **Old Business**, Mrs. Sicheri announced that the Board had won the appeal in the Rothenberg matter in the Appellate Division of the court. She stated that the Board's initial decision denying the relief requested had been put back in place.

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

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The meeting was adjourned at 9:45 P.M.

JEFFREY C. KONNOR
VICE CHAIRMAN