

**BRANT BEACH, NEW JERSEY  
JUNE 13, 2012**

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. R. J. Kiss, Esquire, Substitute Board Attorney**, made the following announcement: "This is a regular meeting of the Long Beach Township Land Use Board, notice of which as 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, 2012 as required by the Open Public Meeting Act."

Members of the Board present: **Mrs. V. E. Applegate, Commissioner R. H. Bayard, R. Pingaro, D. A. Southwick, R. S. VanBuren and J. C. Konnor presiding.**

Members of the Board absent: **J. A. Leonetti, Mayor J. H. Mancini, R. R. Monaco as Mayor's Designee and Mrs. L. J. Schnell.**

Alternate members of the Board present: **P. M. Moran.**

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

Also present were the following: **Mr. R. J. Kiss, Esq., Substitute Board Attorney, Mr. F. J. Little, Jr., P.E., P.P., Board Engineer, Mrs. L. C. Krueger, Secretary for the Board/Commission and Mrs. M. P. Cleary, Senior Clerk.**

**(Tape #517 - Side 1)**

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

**(1) #LUB-9-12: FLOOD (Block 8.08, Lot 18) 112 East Marine Lane, Dunes:** Mr. Kiss stated that the applicant proposed to construct additions and renovations to the existing single family home which required bulk variances for front yard setback and lot coverage.

**(2) #LUB-12-12: MANCINI CUSTOM HOMES, INC. (Block 7.20, Lots 4 and 5) 31 East New Jersey Avenue, Beach Haven Terrace:** Mr. Kiss stated that the applicant proposed to subdivide the property into two single family building lots. He noted that bulk

variances were required for lot frontage and lot area.

**(3) #LUB-13-12-PF: SPARKS 420, L.L.C. (Block 6.31, Lots 1.01 and 1.02 and Block 6.36, Lot 3) 13504 Long Beach Boulevard, Beach Haven Gardens:** Mr. Kiss stated that the applicant proposed to utilize the first floor of an existing building for a restaurant located on the lot currently used for parking for Howard's Restaurant. Mr. Kiss noted that a preliminary and final major site plan and bulk variances for impervious coverage and parking were required.

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

Mr. Little noted that the ACME's Engineer had the dimensions for lot 1 and lot 4 reversed on the subdivision drawing. Mr. Little stated that the Resolution reflected the modifications to the lot dimensions.

**1. #LUB-11-12-PF: ACME MARKETS, INC. – Resolution of Approval moved by VanBuren, seconded by Applegate. The following roll call vote was recorded: Applegate, Konnor, Pingaro, Southwick and VanBuren all voted YES.**

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

**(1) #LUB-9-12 DUNES**

**THOMAS AND VIRGINIA FLOOD**

Owners & Applicants

Block 8.08, Lot 18

**Mr. Reginald J. Raban, Esquire represented the applicant and evidence was marked as follows:** Application and Attachments, #A-1, Variance Map prepared by Horn, Tyson and Yoder, Inc., dated February 13, 2012, #A-2, and, five page architectural drawing prepared by Jay Madden, Architect, dated March 21, 2012, #A-3. Mr. Raban stated that the applicants had owned the property since 1985. He noted that variances were required for front yard setback and lot coverage for the proposed addition of a front porch which would never be enclosed. Mr. Raban stated that the correct height was reflected on the architectural plans.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and described the location of the property and the changes proposed. Mr. Brzozowski noted that a conforming addition was proposed for the second floor and that the first floor porch was proposed at fifteen and a half feet from the front property line. Mr. Brzozowski stated that the addition of the porch would not reduce the off street parking.

**Mr. Jay Madden, registered Architect, licensed in the State of New Jersey** was sworn

and described the proposed renovations to the Board. Mr. Madden stated that the front porch would enhance the front of the home and could be less deep while still being useable.

**Mr. John Seferiadis of 108 East Marine Lane** was sworn and testified that he was not in favor of the application. Mr. Seferiadis submitted photographs of the street marked, **#O-1** through **#O-4** and plan of survey for the applicant's property, **#O-5**. The alignment of the structures along the street was discussed. Mr. Seferiadis submitted a copy of the tax map, sheet #11, marked **#O-6**. Mr. Seferiadis pointed out a shed on the property that was built without a building permit and inconsistencies on the survey.

**Dr. Donald Harrop of 124 East Dune Lane** was sworn and testified that he was not in favor of the application.

**Mr. Paul Buchanan of 131 East Marine Lane** was sworn and testified that he was not in favor of the application.

**The Public Session was closed.**

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

**(Tape #517 – Side 2)**

Mr. Raban requested that the application be held over to redesign the porch area.

**Southwick moved, seconded by Pingaro to carry the application to the July 11, 2012 meeting with the stipulation that the applicant renote.** The following roll call vote was recorded: Applegate, Bayard, Pingaro, Southwick and VanBuren all voted **YES**. Konnor and Moran voted **NO**. **The motion carried.**

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

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**(2) #LUB-13-12-PF BEACH HAVEN GARDENS**

**SPARKS 420, L.L.C.**

Owner and Applicant

Block 6.31, Lots 1.01 and 1.02

Block 6.36, Lot 3

**Mr. Reginald J. Raban, Esquire represented the applicant and evidence was marked as follows:** Application and Attachments, **#A-1**, Site Plan map prepared by Horn, Tyson and Yoder, Inc., dated November 22, 2010, bearing the latest revision date of March 22, 2012, **#A-2**, two page architectural drawing prepared by Studio Tagland Designs, L.L.C., dated March 30, 2012, **#A-3**, and, review letter to Board by Frank J. Little, Jr., P.E., dated June 5, 2012, **#B-1**. Mr. Raban stated that the application was for preliminary and final major site

plan approval to make a restaurant out of the first floor (currently used for storage) of the building in front of Howard's Restaurant.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and described the location of the property and the changes proposed. Mr. Brzozowski stated that the proposed restaurant would have a total of thirty seats, twelve of which would be outside. He noted that the parking lot would be restriped to allow for a better layout but would require a parking variance. Mr. Brzozowski reviewed the Board Engineer's review letter. Mr. Little discussed the proposed parking layout and curbs and sidewalks with the Board.

**Mr. Kevin Sparks, President of Sparks 420 L.L.C. and owner of Howard's Restaurant** was sworn and testified as to the history of the property. He explained to the Board his intent for the proposed restaurant noting that the menu would be lunch style. Mr. Sparks stated that parking for the restaurants had never been a problem.

The dumpster location was discussed and it was noted that a fence would be placed around the dumpster. Mr. Little noted that the architectural plans showed thirty seats inside and it was clarified that there would be thirty seats total with seating for eighteen inside.

**(Tape #518 – Side 3)**

**Mr. Terry Shoenbach of 9 East South 34<sup>th</sup> Street** was sworn and testified that there was never any problem with the restaurant and stated that he was in favor of the application.

**The Public Session was closed.**

Mr. Raban requested that the application be approved with the conditions that the Board had discussed. Mr. Raban requested a waiver for curbs and sidewalks along 32<sup>nd</sup> and 33<sup>rd</sup> Streets.

The Board felt that the parking lot configuration as suggested by the Board Engineer would create a better flow of traffic. The Board noted that it was in support of commercial business and would request that the site plan be revised to reflect the parking changes and the dumpster location. The Board also felt that a bicycle rack should be provided on the south side of the property and would be in favor of the waiver of the curbs and sidewalks along 32<sup>nd</sup> and 33<sup>rd</sup> Streets. It was requested that the plan be modified to reflect that the total interior and exterior seating total thirty seats.

**Moran moved, seconded by Applegate to approve the application as submitted with the above noted conditions.** The following roll call vote was recorded: Applegate, Bayard, Konnor, Pingaro, VanBuren and Moran all voted **YES**.

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**(3) #LUB-12-12 BEACH HAVEN TERRACE**

**MANCINI CUSTOM HOMES, INC.**

Applicant

**RICHARD J. O'DONNELL, JR.**

Owner

Block 7.20, Lots 4 and 5

**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 January 21, 2012, bearing the latest revision date of April 24, 2012, **#A-2**, three page Architectural drawing prepared by Oram H. Tonge, Architect, regarding proposed lot 4.01 dated March 30, 2012, **#A-3**, three page Architectural drawing prepared by Oram H. Tonge, Architect, regarding proposed lot 5.01 dated March 30, 2012, **#A-4**, and, review letter to Board from Frank J. Little, Jr., dated June 5, 2012, **#B-1**. Mr. Raban stated that the application was for a minor subdivision which required waivers and variances for frontage and lot area. Mr. Raban stated that the location was more appropriate for two lots the same size as those to the west than one large oversized property.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and described the existing property to the Board. Mr. Brzozowski noted that the total lot area was eighty-one hundred square feet and two lots were proposed. Mr. Brzozowski stated that the homes in the area were relatively small. He noted that two smaller homes were proposed which would fit into the neighborhood and allow for more light and air. Mr. Brzozowski submitted photographs of the neighborhood showing the size of the structures, marked **#A-5**. Mr. Brzozowski addressed Mr. Little's review letter and discussed the lot sizes in the area.

**Ms. Carol Karcher of 21 East New Jersey Avenue** was sworn and testified that she was concerned about the setbacks of the proposed structures and it was noted that the setbacks would conform to zoning regulations.

**The Public Session was closed.**

Mr. Raban stated that the two proposed lots were to be equal in size to the lots to the west and would be better planning than one large home on a large lot. He requested that the minor subdivision with variances be granted.

The Board noted that the applicant planned to provide a seventeen foot setback between structures where fifteen feet was required and that all of the setbacks for the proposed structures would comply with the zoning regulations. It was noted that the proposed smaller homes would be more conducive to light and air flow in the neighborhood, was modest in nature and would reduce existing nonconformities.

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

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Under **Public Participation**, **Ms. Irene Dubba of 115 East Marine Lane** was sworn and stated her concerns with conformance to the zoning ordinance in Long Beach Township and thanked the Board for their service.

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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 9:15 P.M.

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