

**BRANT BEACH, NEW JERSEY  
JULY 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. 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, 2014 as required by the Open Public Meeting Act."

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

Members of the Board absent: **Commissioner R. H. Bayard, Mayor J. H. Mancini, R.R. Monaco as Mayor's Designee and R.S. VanBuren.**

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

Also present were the following: **Mrs. C. K. Sicheri, Esq., Board Attorney, Mrs. L. C. Krueger, Secretary for the Board/Commission and Mrs. S. L. Bongiovani, Clerk.**

**(Tape #568 - Side 1)**

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

**(1) #LUB-28-14: COON (BLOCK 15.01, LOT 14) 7 W. Harrington Avenue, Brant Beach:** Mrs. Sicheri stated that the applicants proposed to construct a front porch on the existing single family home which required a bulk variance for front yard setback.

**(2) #LUB-33-14: CHICLANA (Block 18.28, Lot 2) 1 Starboard Road, North Beach:** Mrs. Sicheri stated that the applicant proposed the construction of a deck and stairway on the rear of the existing single family home which required bulk variances for rear yard setback and lot coverage.

**(3) #LUB-31-14: TAESCHLER (Block 8.25, Lot 16) 120 East MacEvoy Lane, Dunes:** Mrs. Sicheri stated that the applicants were seeking bulk variance approval to allow an existing pergola to remain in the front yard. Bulk variances for side yard and front yard setback as well as lot coverage were required.

**(4) #LUB-30-14: DELORENZO (Block 18.28, Lot 16) 2 Bay Shore Road, North Beach:** Mrs. Sicheri stated that the applicants were requesting an interpretation of the zoning ordinances or in the alternative, bulk variances to allow the construction of a pool in the southeasterly corner of the property.

**(5) #LUB-32-14: SPERA (Block 12.16, Lot 6) 27 West Ocean View Drive, Peahala Park:** Mrs. Sicheri stated that the applicants were seeking bulk variance approval to permit the continuation of the raising and reconstruction of the storm damaged home.

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Minutes of the meeting held May 14, 2014 were presented for approval. **Applegate** moved, seconded by **Jones** for adoption. **Applegate, Konnor, Leonetti, Pingaro, Schnell, Moran, Jones, Andreotta and Hummel all voted YES.**

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

- 1. #LUB-25-14: TAROLLA – Resolution of Approval moved by Southwick, seconded by Pingaro. The following roll call vote was recorded: Konnor, Leonetti, Pingaro, Schnell, Southwick, Jones and Andreotta all voted YES.**
- 2. #LUB-26-14: VERHOFF - Resolution of Approval moved by Jones, seconded by Southwick. The following roll call vote was recorded: Konnor, Leonetti, Pingaro, Schnell, Southwick and Jones all voted YES.**
- 3. #LUB-27-14-PF: VERIZON – Resolution of Approval moved by Southwick, seconded by Konnor. The following roll call vote was recorded: Konnor, Leonetti, Pingaro, Schnell, Southwick and Andreotta all voted YES.**
- 4. #LUB-29-14: CHIellini – Resolution of Approval moved by Southwick, seconded by Jones. The following roll call vote was recorded: Konnor, Leonetti, Pingaro, Schnell, Southwick, Jones and Andreotta all voted YES.**

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

(1) #LUB-28-14 BRANT BEACH

**THOMAS & CAROLYN COON**

Owners and Applicants

Block 15.01, Lot 14

**Mr. Thomas Coon, represented themselves and evidence was marked as follows:** Application and Attachments, **#A-1**, Variance Map prepared by Nelke/Tyszka Land Surveyors, LLC, dated April 3, 2014, **#A-2**, Five page Architectural drawings prepared by Jay Madden Architect dated February 7, 2014, **#A-3**. Mr. Coon stated that he was requesting a front yard setback variance to allow the construction of a front deck.

**Mr. Jay Madden, Architect**, was sworn and described the proposed plans to the Board. Mr. Madden stated that it was proposed to elevate the existing cape and construct a porch on the front and of the home. He stated the porch would enhance the front of the home as well as allow for access to the raised structure. Mr. Madden noted that storage and a one car garage would be provided under the raised home. Mr. Madden stated that the encroachment into the setback area would be about forty-eight square feet. Photographs of home as it existed were marked, **#A-4** and a photograph of the streetscape was marked, **#A-5**. The Board discussed the existing shed.

Mr. Madden stated that as the porch was more aesthetic than functional the applicants would compromise on the size of the porch.

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

Mr. Madden proposed to reduce the front porch from eight feet to six feet width and shift the house an additional foot to the south resulting in a minimal encroachment into the front yard setback.

**The Public Session was closed.**

The Board noted that with the proposed changes the request was very reasonable.

**Moran moved, seconded by Pingaro to approve the application as amended with the conditions that the applicants never enclose the porch and that revised plans are submitted.** The following roll call vote was recorded: Applegate, Konnor, Leonetti, Pingaro, Schnell, Southwick, Moran, Jones and Andreotta voted **YES**.

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**THOMAS & CAROLYN DELORENZO**

Owners and Applicants

Block 18.28, Lot 16

**Mr. Reginald J. Raban, represented the applicants and evidence was marked as follows:** Application and Attachments, #A-1, Pool Variance Plan prepared by The Canon Group, P.C., dated December 20, 2013 bearing the latest revision date of April 28, 2014, #A-2, and, Long Beach Township Tax Map, Page 22, indicating location of property, #A-3. Mr. Raban stated that the applicants were requesting an interpretation of the zoning ordinance and in the alternative a variance for the location of the proposed pool. Mr. Raban stated that the property was located on a corner lot and that the home fronted on Bay Shore Road which therefore made the side yard towards Long Beach Boulevard. Mr. Raban stated that the applicants proposed to locate the pool in what he considered to be the side yard adjacent to Long Beach Boulevard and not the front yard, therefore did not need a variance for the location of the pool.

**Mr. Thomas Delorenzo, Owner & Applicant,** was sworn and stated that Bay Shore Road was considered the front of the property.

**(Tape #568 – Side 2)**

Mrs. Sicheri stated that the Board should look at the application as a variance application since there was a question as to interpretation. Mr. Raban stated that the Zoning Officer had told him that a setback of twenty feet was required from Long Beach Boulevard for the pool.

**The Public Session was closed.**

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

The Board discussed the application and found that the proposed pool was located in the side yard of the subject property, not the front yard and therefore did not require a variance for the location. The Board felt that a variance was required for the side yard setback to the pool but noted that the location of the pool did not have any negative effects on the neighborhood.

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

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

(3) #LUB-31-14 DUNES

**PAUL & PATRICIA TAESCHLER**

Owners and Applicants

Block 8.25, Lot 16

**Mrs. Patricia Taeschler, Owner, represented herself, was sworn and evidence was marked as follows:** Application and Attachments, **#A-1**, Variance Plan Map prepared by Nelke/Tyszka Land Surveyors, L.L.C. dated April 29, 2013 bearing the latest revision dated December 30, 2013, **#A-2**, Architectural drawings prepared by Studio Tagland Designs, LLC, dated September 13, 2012, **#A-3**, Plot Plan Survey prepared by Nelke/Tyszka Land Surveyors, LLC, dated July 3, 2013, **#A-4** and four photographs submitted by the Applicant, **#A-5**. Mrs. Taeschler stated that they had renovated the existing Cape Cod and during the course of construction had constructed a pergola on the front of the structure in lieu of a deck. Mrs. Taeschler stated that the pergola enhanced the appearance of the front of the Cape Cod structure. She stated that the pergola structure was included on the building plans and after the structure was built she was notified that the structure was in violation of the setbacks. Mrs. Taeschler noted that the structure was open and would remain open.

**Mr. Reginald Raban of Haven Beach** was sworn and stated that he thought that the pergola looked great.

**The Public Session was closed.**

The Board felt that the pergola was a nice addition to the home and a minimal request.

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

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**Mr. Leonetti rejoined the Board.**

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

(4) #LUB-33-14 NORTH BEACH

**MARIA CHICLANA**

Owner and Applicant

Block 18.28, Lot 2

**Mr. Reginald J. Raban, represented the applicant and evidence was marked as follows:** Application and Attachments, **#A-1**, Variance Map prepared by John M. Lis, Land Line Surveyors dated April 28, 2014, **#A-2**, Ten page Architectural drawings prepared by Westchester Modular Homes, Inc. dated November 25, 2009 with the latest revision date of February 7, 2014, **#A-3**, Elevations and Foundation Plan with a revision date of March 18,

2014, #A-4 and Plot of location of adjoining home, #A-5. Mr. Raban stated that the applicants proposed to construct a deck and stairs on the rear of the dwelling which required a bulk variance for lot coverage.

**Mr. Robert Bonesteel, Builder, with Aqua Marine Construction** was sworn and noted that the applicant requested an Energy Star Home which increased the walls from 2 x 4 construction to 2 x 6 construction. He stated that this increased the size of the home by four square feet. He noted that stairs could be built to a landing which would not require a variance but that the homeowner would like to have a deck that was functional.

The Board discussed the application.

**The Public Session was closed.**

**Mr. Raban** requested that the application be approved as submitted noting that the overage on lot coverage was less than one percent.

The Board felt that the request for the additional lot coverage was de minimus and approved of the size of the deck.

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

**(Tape 569 – Side 3)**

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**Mr. Pingaro stepped down from the Board for the remainder of the meeting.**

**(5) #LUB-32-14 PEAHALA PARK**

**JOSEPH & CATHERINE SPERA**

Owners & Applicants

Block 12.16, Lot 6

**Mr. Stuart D. Snyder, Esquire, represented the applicants and evidence was marked as follows:** Application and Attachments, #A-1, Variance Map prepared by Nelke/Tyszka Land Surveyors, LLC dated May 16, 2014, #A-2, and, three page Architectural drawings prepared by Craig W. Brearley, A.I.A., Architect dated October 14, 2013 with the latest revision date of October 24, 2013, #A-3. Mr. Snyder stated that the applicants had raised the storm damaged home and planned renovations which included a second floor. He noted that the applicants proposed to build in the exact same foot print as existed, with deck additions. Mr. Snyder stated that the proper permits were obtained and that it was noted on the plans

that certain walls would remain. Mr. Snyder stated that since wall studs were replaced the Building Department considered the building to be new construction and therefore would need variances for the side yard setback and distance between structures. Due to that and complaints from the adjacent neighbors that a new home was being constructed, a stop work order was issued. Mr. Snyder stated that they were requesting variance relief for permission to continue the construction and the completion of the home which had been property permitted.

**Mr. Leon J. Tyszka, Professional Land Surveyor with the firm of Nelke/Tyszka Land Surveyors, LLC** was sworn and described the existing property and the proposed location of the structure. Mr. Tyszka noted that the structure had been moved back one foot to allow for the construction of a conforming five foot wide deck on the front of the structure. Mr. Tyszka stated that the shed will be removed prior to Certificate of Occupancy.

**Mr. Craig Brearley, Architect**, was sworn and described the proposed architectural plans to the Board which included raising the home out of the flood zone and providing bedrooms on the second floor. Mr. Brearley stated that the rear stairwell was outside of the current foot print. He noted that the construction would comply with current FEMA and Construction Codes and would provide fire-rated walls.

The Board discussed the application. Mr. Brearley stated that the renovation to the building was an aesthetic improvement and that the neighborhood had been taken into consideration.

**Mr. George Ambrose, Licensed Builder in the State of New Jersey** was sworn and described the building process. Mr. Ambrose stated that the extent of the rotten wood was discovered after the home was placed on pilings. He stated that the stop work order had been issued because too much of the existing structure had been taken down. Mr. Ambrose noted that the wall on the west side of the structure had been fire rated because of the setback from the property line.

**Deborah Lovett of 25 West Ocean View Avenue, adjacent property owner** was sworn and testified as to her concerns with the application. She requested that the Board consider additional distance between their two structures.

**(Tape 569 – Side 4)**

**Mr. William Bradley of 29 West Ocean View Avenue, adjacent property owner** was sworn and testified that he was not in favor of the application and stated his concerns with the closeness and size of the new elevated chimney. Mr. Bradley stated that he considered the renovation to be new construction.

**The Public Session was closed.**

Mr. Snyder stated that all permits and inspections were obtained and that all setbacks were the same as existed. He noted that if the house had not been upgraded they would not be before the Board. Mr. Snyder stated that if the fireplace was in violation it would be remedied and noted that the only variances requested were for conditions that already

existed.

The Board felt that if they were to look at the application as new construction, they would be in favor of the application. It was noted that the fireplace chimney should be brought into compliance. It was pointed out that the structure was below the allowable lot coverage and a height variance was not required.

**Leonetti moved, seconded by Konnor to approve the application as submitted with the condition that the fireplace chimney be brought into compliance.** The following roll call vote was recorded: Applegate, Konnor, Leonetti, Schnell, Southwick, 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.

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**LYNNE J. SCHNELL**  
**CHAIRMAN**

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