

**BRANT BEACH, NEW JERSEY**  
**August 12, 2015**

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, 2015 as required by the Open Public Meeting Act.”

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

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

Alternate members of the Board present: **R. L. Jones and R. Andreotta.**

Alternate member of the Board absent: **P. M. Moran.**

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

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**(Tape #601 - Side 1)**

**Mrs. Schnell announced that the Plover Limited Partnership Application (LUB-37-15) would not be heard this evening and would be held over.**

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

**1. #LUB-33-15: TAYLOR (Block 15.124, Lot 1) 3809 Ocean Boulevard, Brant Beach:** Mrs. Sicheri stated that applicants proposed to demolish the existing single family home and construct a new single family home which required a bulk variance for front yard setback.

**2. #LUB-34-15: TOUCHSTONE TECHNOLOGY CONSULTING OPS, LLC. (Block 5.10, Lot 1) 2201 Long Beach Boulevard, Spray Beach:** Mrs. Sicheri stated that the applicant was seeking preliminary and final major site plan approval so as to permit renovations and additions to the existing structure and to reinstate the carwash that had been vacant since Super Storm Sandy. Mrs. Sicheri stated that bulk variances were required for side yard setbacks, impervious coverage and waivers for site plan detail.

**3. #LUB-35-15: EPSTEIN (Block 1.53, Lot 37) 5 West Joshua Avenue, Holgate:** Mrs. Sicheri stated the applicants proposed to raise the house and add a two story addition. She stated that the applicants were appealing the decision of the zoning officer and in the alternative seeking bulk variance approval for front yard setback. Mrs. Sicheri noted that the question was whether the structure had been demolished and if the Board finds that the structure had been demolished then it would be a variance application.

**4. #LUB-36-15: DOEL (Block 4.02, Lot 1) 1209B Long Beach Boulevard, North Beach Haven:** Mrs. Sicheri stated that the undersized property, which was partially located in Beach Haven, housed two structures. Mrs. Sicheri noted that variance relief had previously been granted to the front structure on the property. She noted that a special reasons variance was required as well as bulk variances for lot area and width, side yard setback and lot coverage.

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Minutes of the meeting held July 8, 2015 were presented for approval. **Southwick** moved, seconded by **Hummel** for adoption. **Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones and Andreotta all voted YES.**

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

- 1. #LUB-29-15: NIEDBALA – Resolution of Approval moved by Jones, seconded by Hummel. The following roll call vote was recorded: Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones and Andreotta all voted YES.**
- 2. #LUB-30-15: GRISSONI – Resolution of Denial moved by Hummel, seconded by Pingaro. The following roll call vote was recorded: Konnor, Hummel, Pingaro, and Schnell all voted YES.**
- 3. #LUB-31-15: TSOUKAS – Resolution of Denial moved by Hummel, seconded by Southwick. The following roll call vote was recorded: Konnor, Hummel, Schnell, Southwick, VanBuren, Jones and Andreotta all voted YES.**
- 4. #LUB-32-15: ACOSTA – Resolution of Approval moved by Jones, seconded by Konnor. The following roll call vote was recorded: Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones and Andreotta all voted YES.**
- 5. #LUB-21-15A: LEONETTI – Resolution of Approval moved by Hummel, seconded by VanBuren. The following roll call vote was recorded: Konnor, Hummel, Schnell, VanBuren and Jones all voted YES.**
- 6. #LUB-40-14A: TROOST – Resolution of Approval moved by Jones, seconded by Southwick. The following roll call vote was recorded: Konnor, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones and Andreotta all voted YES.**

Mrs. Sicheri stated that **Plover Limited Partnership (LUB-37-15)** had requested a holdover of the application to the October 14, 2015 meeting. **Southwick** moved, seconded by **Applegate to hold the application over without a fee.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones and Andreotta all voted YES.** Mrs. Sicheri announced that the application would not be heard this evening and would be held over to the October 14, 2015 meeting at 7:00 p.m.

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Mr. Reginald J. Raban, Esquire, addressed the Board regarding correspondence dated July 15, 2015 in reference to the **Grissoni (LUB-38-15)** application. He noted that he had asked for reconsideration which Mrs. Sicheri stated was not in the purview of the Municipal Land Use Law. Mr. Raban stated that he had submitted a new application with the plans following at a later time and had noticed for the application. Mrs. Sicheri noted that the completed application had not been submitted in a timely manner and would not be heard this evening. **Southwick moved, seconded by Hummel to hold the application over to the September 9, 2015 meeting without a fee.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren, Jones and Andreotta all voted YES.** Mrs. Sicheri announced that the application would not be heard this evening and would be held over to the September 9, 2015 meeting at 7:00pm. Mrs. Sicheri noted that no further notice would be given.

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

(1) **#LUB-34-15-PF SPRAY BEACH**

**TOUCHSTONE TECHNOLOGY CONSULTING OPS, LLC**

Owner and Applicant

Block 5.10, Lot 1

**Mr. Reginald J. Raban, Esquire represented the applicant and evidence was marked as follows:** Application and Attachments, **#A-1**, Map of Survey prepared by Standish Surveying dated November 6, 2013, **#A-2**, three page architectural drawing prepared by Studio Tagland Designs, LLC dated June 16, 2015, **#A-3**, Revised one page architectural drawing, Major Site Plan, Mixed Use, prepared by Studio Tagland Designs, LLC dated July 28, 2015, **#A-4**, and Review letter to the Board by Frank J. Little, Jr., P.E. dated August 6, 2015, **#B-1.** Mr. Raban stated that the applicant was requesting preliminary and final site plan approval as well as a variance for an existing side yard setback. Mr. Raban stated that an apartment was proposed above the existing structure which did not require a variance.

**Mr. David Gaffin, Architect with the firm of Studio Tagland, LLC** was sworn and submitted a packet of photographs of the property, marked **#A-5.** Mr. Gaffin addressed Mr. Little's review letter. Mr. Gaffin stated that the impervious surface would be reduced to comply with the ordinance and that the free standing lighting facing the parking lot would be directing downward. Mr. Little stated that the lighting should be shielding and not have an adverse impact on the neighbors. Mr. Little noted that the plans could be revised to reflect the changes. Mr. Raban stated that the plan would also reflect the proper site triangles. Mr. Gaffin reviewed the proposed architectural plans.

Mr. Little stated that if the existing fence was inadequate, a six foot fence would be required as a buffer and as part of the approval.

The Board discussed the application.

**(Tape #601 – Side 2)**

**The Public Session was closed.**

Mr. Raban requested that the application be approved in accordance with the Engineer's review letter.

The Board stated its' concerns with parking and traffic circulation and noted that the accessory structures on the plan were not clearly defined. It was stipulated that all accessory structures would be removed.

The Board discussed the submitted site plan and noted the deficiencies. Mr. Raban stated that a traffic plan would be provided to the satisfaction of the Board Engineer. Mr. Little stated that the vacuums should not be approved for the car wash as it would create a traffic back up.

The Board felt that they would like to have more specific information and that just preliminary approval should be given.

**Southwick moved, seconded by Applegate to grant preliminary approval, with the stipulations that the accessory structures be removed and to comply with the terms of Engineer's Review Letter.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren and Jones** all voted **YES**.

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**Mr. Little stepped down from the Board for the remainder of the evening.**

**(2) #LUB-33-15 BRANT BEACH**

**FRANCIS X. & NANCY L. TAYLOR**

Owners and Applicants

Block 15.124, Lot 1

**Mr. Reginald J. Raban, Esquire, represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1**, Variance Plan prepared by Nelke/Tyszka Land Surveyors, LLC dated June 15, 2015, **#A-2**, and three page Architectural Drawings prepared by Craig Brearley, Architect dated June 3, 2015, **#A-3**. Mr. Raban stated that a hardship was created due to the location of the building line across the lot. Mr. Raban stated that setback from the street was the only variance required.

**Mr. Craig Brearley, Architect** was sworn and described the proposed plans to the Board. Mr. Brearley stated that it was proposed to demolish the existing two story building and to construct a new two story raised single family residence conforming to all flood and all current building codes. He noted that the new structure would be essentially is the same foot print as the old



**Mr. Sean McGovern, Architect in the State of New Jersey** was sworn and qualified. He testified as to the process of the construction on the property. Mr. McGovern stated that during a review of the preliminary plans with the construction office it was not brought to his attention that two walls of the structure had to remain to maintain the nonconformity. He stated that he had prepared the plan based on the notion that the footprint of the building was what presided for the nonconformity to exist. He stated that when the stop work order was issued, no one continued any further work. He noted that the house would be brought up to current standards and above the base flood elevation. Mr. Conte submitted a set of three portions of the architectural plans that were submitted, marked **#A-7**. Mr. McGovern read the notes on the plan into the record.

The Board felt that the project went beyond the scope of the work. Mr. McGovern stated that he was not made aware of the keeping of two walls. Mrs. Sicheri reminded the Board that the application was made in the alternative.

Mr. Conte stated that an appeal had been made to the County Construction Board within nine days. Mr. Conte argued that the appeal had been filed with the Township in a timely manner. Mr. Conte stated that it was his position was that the house was not demolished and that what was removed was as a result of what had been submitted and approved to allow for construction in the footprint.

The Board noted that there was room to move the house further back on the lot. Mr. McGovern stated that the applicants wanted to maintain the close proximity to the street with an open porch to allow for interaction with people walking along the street.

**Mr. Marc Spielberg, Esquire** representing objectors, Mr. and Mrs. Bozzo of Lot 35, immediately to the West, stated that this was a complete demolition, not the existing house being lifted and that a variance was required. Mr. Spielberg stated that this was new construction. He stated that the lot was the same size as other lots on the street and that the contemporary homes on those lots meet the setbacks. He noted that there was room to move the house back ten feet and that parking would be impacted as well. He felt that there was no basis to grant the variance.

**Mr. Michael James of 11 Joshua Avenue** was sworn and submitted photographs of property, marked **#O-1**. Mr. James noted that the proposed home would block his views. Mr. Conte submitted photographs of the street, marked **#A-8**.

**Ms. Eileen Herte of 17 Joshua Avenue** was sworn and testified that she was in favor of the application.

**Ms. Lorraine Puerari of 9 and 15 Joshua Avenue** was sworn and testified that she was in favor of the application.

**Mr. Ronald Bozzo was sworn** and testified that he was opposed to the front yard setback. Mr. Bozzo submitted a photograph showing alignment, marked **#O-2**.

**The Public Session was closed.**

**Mr. George Epstein, Applicant** was sworn and testified that there was sufficient off street parking on the property. He noted that in raising the house it was not their intention to obstruct anyone's view. He noted that they planned a street level deck that was very important to them as

they spend a lot of time along the street.

**(Tape #602 – Side 4)**

Mr. Epstein stated that the front porch was the only nonconformity.

Mr. Conte stated that the appeal should be granted because the permits were issued and built specifically according to the plans that were submitted to the town. Mr. Conte stated that the benefits to the street and neighborhood as outlined by the architect, substantially outweighed any detriment and requested that the application be granted.

Mrs. Sicheri stated that if the Board felt that the applicants were not entitled to the appeal then the Board had to evaluate the testimony as to the whether the bulk variance should be granted.

The Board noted that it had been specifically stated on the plot plan that the existing structure was to be raised and that the structure had been substantially demolished. Therefore they did not think the granting of an appeal was appropriate. The Board noted that there was ample room to move the structure towards the rear of the property and that the structure could be in compliance without the need for a variance.

**Hummel moved, seconded by Jones to deny the appeal request.** The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren and Jones** all voted **YES**. **Applegate voted NO**. The motion carried.

**Jones moved, seconded by Hummel to deny the bulk variance relief.** The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren and Jones** all voted **YES**. **Applegate voted NO**. The motion carried.

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

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

**(4) #LUB-36-15 NORTH BEACH HAVEN**

**ERNEST DOEL**  
Owner and Applicant  
Block 4.02, Lot 1

**Mr. Reginald Raban, Esquire, represented the applicants and evidence was marked as follows:** Application and Attachments (including prior Resolution), **#A-1**, Deed of Ownership dated November 2, 1985, **#A-2**, Variance Plan prepared by PDS Professional Design Services, LLC dated July 1, 2015, **#A-3**, and four page Architectural drawings prepared by Adamson, Riva and Lepley, Architects, AIA dated July 1, 2014 bearing a revision date of September 2, 2014, **#A-4**. Mr. Raban stated that the property was partially located in Beach Haven. He noted that Mr. Doel owned the rear structure of the two structures on the property and that the Board had previously approved a variance application for the front structure. Mr. Raban stated that the rear yard setback and lot coverage on the undersized lot would be improved with the proposal. Mr.

Raban stated that the new structure would be an aesthetic improvement.

**Mr. Ernest Doel, Owner** was sworn and testified that he wanted to construct a new building that was above the Base Flood Elevation. The Board discussed obtaining access to the rear of the property for construction.

The Board discussed the proposed architectural plans. It was noted that due to the proposed setbacks and building codes, no windows would be allowed on the north or south side of the home, even though they were shown on the architectural plans.

Mr. Raban requested that the application be held over to the October 14, 2015 meeting to allow the plans to be redesigned.

**Mr. Jack Kurylo of 5 East 13<sup>th</sup> Street** was sworn and stated his concerns with the proposed building.

**(Tape #603 – Side 5)**

**Mr. Sal Leonardis of 7 East 13<sup>th</sup> Street** was sworn and testified that the building recently constructed on the front portion of the lot did not have gutters and added to the runoff from the subject property. He stated his concerns with light, air and flooding.

**Ms. Maureen Mulholland of 1211 Long Beach Boulevard**, adjacent property owner was sworn and testified that when the front building was constructed the contractor had assured her that a retaining wall and French drains were to be installed to direct the runoff towards the street and away from her property. She noted that it had never been done and stated that the problems that occurred with the first structure would be compounded with the construction of a new building in the rear of the property.

Mr. Doel stated that he intended to install gutters and downspouts on his building as well as construct a retaining wall.

**The Public Session was closed.**

The Board discussed the drainage and runoff problem.

**Southwick moved, seconded by VanBuren to hold the application over to the October 14, 2015 meeting, without a fee.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Pingaro, Schnell, Southwick and VanBuren** all voted **YES**. Mrs. Sicheri announced that the application would not be heard this evening and would be held over to the October 14, 2015 meeting at 7:00pm. Mrs. Sicheri noted that no further notice would be given.

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**Mr. Hummel rejoined the Board.**

Mr. Reginald J. Raban introduced his son Jim Raban, who would be joining his practice.

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Under **New Business**, the Board discussed proposed Ordinances #15-32C and #15-33C. The Board was in support of the Ordinances as written and approved same, by voice vote.

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The Board discussed the Year End Report and approved of the Report as written.

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

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**Hummel moved, seconded by Konnor to go into Closed Session to discuss pending litigation.** The motion carried by voice vote.

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The meeting was adjourned at 10:12 P.M.

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

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