

**BRANT BEACH, NEW JERSEY
SEPTEMBER 14, 2016**

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, 2016 as required by the Open Public Meeting Act.”

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

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

Alternate members of the Board present: **R. Andreotta, and R. B. Roth, Jr.**

Alternate members of the Board absent: **P. M. Moran and R. L. Jones.**

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

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(Tape #627 - Side 1)

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

Mrs. Sicheri stated that Stuart Snyder, Attorney representing **Olesh (LUB-20-16)** had written a letter to the Board requesting that the Board hold off on adopting the Resolution to potentially reopen the matter. Mrs. Sicheri stated that the decision of the Board had been made last month and that the adopting of the Resolution was a formality memorializing the decision made. She suggested that the Resolution be adopted at this meeting to complete the Board’s action and that the Board may consider reopening the application after Mr. Snyder presents the additional information to the Board.

1. #LUB-22-16: GREENLEAF (Block 12.14, Lot 13) 18 East Ocean View Drive, Peahala Park: Mrs. Sicheri stated that the applicants proposed to enclose and expand a deck and screened porch on the existing duplex structure which required bulk variances for side and combined yard setback as well as a special reasons variance.

2. **#LUB-24-16: RAUH (Block 5.08, Lot 1) 209 East 21st Street, Spray Beach:** Mrs. Sicheri stated that the applicants proposed to renovate an existing porch and construct an elevator shaft on the southwest side of the existing single family home which required a bulk variance for lot coverage.

3. **#LUB-23-16: MORAN (Block 18.16, Lots 1.05 and 1.06) 1016E Long Beach Boulevard, North Beach:** Mrs. Sicheri stated that the applicants proposed a minor subdivision so as to reconfigure two existing residential lots by shifting the common property line. Mrs. Sicheri stated that design waivers had been requested and that the Engineer's letter should be addressed by the applicant.

4. **#LUB-25-16: BODNER (Block 6.45, Lot 3): 27 West South 34th Street, Beach Haven Gardens:** Mrs. Sicheri noted that the application would be carried to the October 13, 2016 meeting.

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Minutes of the meeting held August 10, 2016 were presented for approval. **Southwick** moved, seconded by **Hummel** for adoption. **Konnor, Leonetti, Hummel, Southwick, VanBuren and Roth** all voted **YES**.

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

1. **#LUB-14-16: GASPARINI** – Resolution of Approval moved by **Hummel** seconded by **Roth**. The following roll call vote was recorded: **Konnor, Hummel, and Roth** all voted **YES**.
2. **#LUB-17-16: NUNN** – Resolution of Approval moved by **Hummel** seconded by **Roth**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, VanBuren and Roth** all voted **YES**.
3. **#LUB-18-16: NUNN** – Resolution of Approval moved by **Hummel** seconded by **Roth**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, VanBuren and Roth** all voted **YES**.
4. **#LUB-19-16: KALETKOWSKI** – Resolution of Approval moved by **Southwick** seconded by **Roth**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Southwick, VanBuren and Roth** all voted **YES**.
5. **#LUB-20-16: OLESH** – Resolution of Denial moved by **Hummel** seconded by **Southwick**. The following roll call vote was recorded: **Konnor, Hummel, Southwick, VanBuren and Roth** all voted **YES**.
6. **#LUB-21-16: AVERY** – Resolution of Approval moved by **Southwick** seconded by **Hummel**. The following roll call vote was recorded: **Konnor, Leonetti, Hummel, Southwick, VanBuren and Roth** all voted **YES**.

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

JAMES MORAN

Applicant

JAMES A. & GERALDINE MORAN (Lot 1.05)
MORAN, GERALDINE, JAMES, ET. AL. TRUST (Lot 1.06)
Block 18.16, Lots 1.05 & 1.06

Mr. Marc Spielberg, Esquire represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Preliminary and Final Subdivision Plan prepared by ESP Associates dated July 19, 2016, **#A-2**, Topographic Outbound Survey prepared by ESP Associates dated May 20, 2015, **#A-3**, and, Review letter to the Board from Frank J. Little, Jr., P.E. dated September 6, 2016, **#B-1**. Mrs. Sicheri stated that any approval would be contingent upon the sewer account with accrued interest being brought current. Mr. Spielberg stated that the minor subdivision was requested to move the lot line to create two conforming lots and did not require variances. Mr. Spielberg stated that a waiver was requested from the turnaround location because the location required was not part of the application.

Mr. Trevor Taylor, P.E., P.P., licensed in the State of New Jersey was sworn and qualified. Mr. Taylor described the existing property and noted that the proposed lots were conforming. Mr. Taylor addressed the Board Engineer's review letter and the submission waivers. Mr. Taylor requested that the turnaround be allowed to be located on lot 1.07 which was part of the application. Mr. Taylor stated that a waiver was requested from providing a required second turnaround on the easement because of the location on lot 1.03 which was not part of the application. He noted that lot 1.03 was fully developed. Mr. Little noted that this easement currently only had one turnaround and with the shifting of the turnaround to lot 1.07 it would be located within five hundred feet of Long Beach Boulevard. He felt that the waiver could be granted for the second turnaround without causing a problem.

The Public Session was closed.

Mr. Spielberg requested that the approval be granted subject to the terms of Mr. Little's review letter.

The Board felt that the request for the re-subdivision with waivers was reasonable.

Southwick moved, seconded by Applegate to approve the application with the revision of the turnaround location and subject to the Engineer's review letter. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Southwick, Andreotta and Roth** all voted **YES**.

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Mr. Moran joined the Board.

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

(2) #LUB-22-16 PEAHALA PARK

JOHN AND ANNE GREENLEAF

Owners & Applicants

Block 12.14, Lot 13

Mr. James Raban, Esquire represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Survey of property with topography and plot plan with grading for variance prepared by TEC Engineering and Ronald W. Post Surveying, Inc., dated July 20, 2016, revised July 26, 2016 #A-2, Survey of property with topography prepared by Ronald W. Post, dated July 13, 2016, #A-3, and, one page architectural drawing prepared by Studio Tagland Designs, LLC dated August 1, 2016, #A-4. Mr. Raban stated that the property contained a two story duplex with an existing screened-in porch. He noted that the applicants proposed to enclose and expand the porch to the south of the property which would extend the nonconforming setbacks. Mr. Raban stated that bulk variances were required as well as a special reasons variance for the expansion of the duplex.

Mr. James Giordano, P.E., licensed Engineer in the State of New Jersey was sworn and qualified. Mr. Giordano submitted photographs from Google Earth, marked, #A-5 and described the proposed plans to the Board. He stated that the applicants could demolish the existing duplex and construct a conforming duplex which would be larger than what currently existed.

The Public Session was closed.

Mr. Raban stated that the modest home's current lot coverage was 19% and with the proposal lot coverage would increase to only 23.2%. He requested that the application be granted based on the testimony given. The Board discussed the expansion of duplexes.

The Board noted that the lot coverage was minimal and that the nonconforming setback was preexisting. The Board felt that the request was modest and would not have a negative impact on the neighborhood.

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

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Mr. Hummel rejoined the Board.

(3) #LUB-24-16 SPRAY BEACH

DANIEL J. AND KAREN RAUH

Owners & Applicants

Block 5.08, Lot 1

Mr. James 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 December 15, 2008 with the latest revision of July 20, 2016, #A-2, and two page architectural drawings prepared by Studio Tagland Designs, LLC dated August 10, 2016, #A-3.

(Tape #627 – Side 2)

Mr. Raban stated that the applicants proposed to place an elevator shaft in place of a portion of the deck on the southwest side of the home which would blend in with the existing architecture. He stated that there would be an increase in lot coverage which would be minimal.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the existing property to the Board. Mr. Brzozowski stated that a variance had previously been approved in 2009 to allow a deck to be constructed with a lot coverage of 34.5%. He noted that the applicants were now proposing lot coverage of 34.9% to allow for the reconfigured deck and proposed elevator shaft. He stated that the elevator was not proposed to go to the rooftop. Mr. Brzozowski submitted photographs of the property, marked #A-4. Mr. Raban stated that the porch was being reconfigured around the elevator as the main entrance to the house.

Mr. Raban stated that the benefit of granting the variance outweighed any detriment and that there would not be any deprivation to the adjoining land owners regarding light, air and open space. He noted that the applicants' parents would be using the elevator to access the second floor of the reverse living home and that the elevator would make the home more accessible for everyone.

Mr. David Gaffin of Studio Tagland, Licensed Architect in the State of New Jersey was sworn and testified that given the circulation needs of the house the elevator was proposed in the most ideal location.

The Public Session was closed.

Mr. Raban stated that the approval in 2009 actually allowed for more lot coverage but it was not utilized.

The Board felt that the every effort had been made to make the elevator look like it was part of the original house and that it was located in the most logical area of the house.

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

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The Board took a five-minute recess.

(Tape #628 – Side 3)

Under **New Business** Mr. Snyder addressed the Board regarding the **Olesh application (LUB-20-16)** and requested that the application be reopened. The Board noted that they would not be in favor of reopening the application and noted that a new application could be brought before the

Board. **Southwick moved, seconded by Moran to stand by the Board's decision and not reopen the application.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Southwick, VanBuren, Moran, Andreotta and Roth** all voted **YES**. **Pingaro** voted **NO**. The motion carried.

The Board discussed proposed **Ordinance #16-39C**. The Board had no objection to the Ordinance. **Hummel moved, seconded by Applegate to approve of the Ordinance #16-39C as written.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Southwick, VanBuren, Moran, Andreotta and Roth** all voted **YES**.

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Under **Correspondence** the Board addressed a request from Robert and Lisa Muller in regard to a Waiver from installing sidewalks on a lot they recently purchased. Mr. Little addressed the Board and explained that the lot was part of the **McLeer and Schuler Subdivision (LUB-12-15)**. He noted that the rest of neighborhood did not have sidewalks and that the request could be covered under a field change. Mr. Little noted that a waiver from the curb requirements was not being requested. **Hummel moved, seconded by Applegate to approve the request for a waiver of the sidewalk and to require curbing.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Southwick, VanBuren, Moran, Andreotta and Roth** all voted **YES**.

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Under **Discussion** Mr. Little addressed the Board regarding the updating of the **Master Plan**. Mr. Little stated that the law had been changed from requiring an update every six years to every ten years. Mr. Little stated that the Update would be addressed over a number of meetings in the course of the next year.

Mr. Hummel addressed the Board regarding the **Year End Report**. The Board discussed the Year End Report topics including accessory structures, outdoor seating and driveways.

(Tape #628 – Side 4)

Roth moved, seconded by Moran to approve of the Year End Report as written. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, VanBuren, Moran, Andreotta and Roth** all voted **YES**. **Southwick** voted **NO**. **The motion carried.**

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

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The meeting was adjourned at 8:50 P.M.

JEFFREY C. KONNOR
VICE CHAIRMAN