

**BRANT BEACH, NEW JERSEY
OCTOBER 8, 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. R. Monaco as Mayor’s Designee, R. Pingaro, D.S. 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: **P.M. Moran, R. Andreotta and E. J. Hummel.**

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

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

(Tape #577- Side 1)

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

(1) #LUB-40-14: TROOST HOLDINGS, LLC (Block 4.11, Lot 1) 1400 Waverly Avenue, North Beach Haven: Mrs. Sicheri stated that applicants was seeking minor subdivision approval to create two single family residential building lots. Mrs. Sicheri stated that the existing structures would be demolished and that bulk variances and waivers were required for lot area and lot frontage.

(2) #LUB-39-14: TOFANI (Block 4.19, Lot 2), 1 East 15th Street, North Beach Haven: Mrs. Sicheri stated that applicant was seeking minor subdivision approval to create two single family residential building lots. She noted that the existing structures would be demolished and that bulk variances and waivers were required for lot area and lot frontage.

(3) #LUB-27-14-PF: VERIZON (Block 4.41, Lots 5) 1900 Long Beach Boulevard, North Beach Haven: Mrs. Sichei stated that the applicant had been before the Land Use Board the prior month proposing a three lot subdivision where the applicant would retain the commercial use at the existing location and that two lots were proposed as single family residential lots. Mrs. Sichei stated that the circulation had been revised and that a special reasons variance had been granted for the drive aisle located in the residential zone. Mrs. Sichei stated that they were before the Board for the final site plan and subdivision approval. Mrs. Sichei noted that the issues raised about the landscaping and lighting would be addressed tonight.

(4) #LUB-43-14: KONNOR (Block 7.23, Lot 1) 120 West Ohio Avenue, Beach Haven Terrace: Mrs. Sichei stated that the applicants were seeking minor subdivision and bulk variance approval to establish two residential building lots. Mrs. Sichei noted that additionally it was proposed to subdivide a ten by thirty foot parcel from the existing lot to be joined to the adjacent lot. Mrs. Sichei stated that the applicant had applied for bulk variances but there was a question as to whether they were required.

(5) #LUB-42-14: CUMMINGS (Block 12.22, Lot 1) 35 West Sailboat Drive, Peahala Park: Mrs. Sichei stated that the applicants proposed to construct a front porch and stairway on the front of the existing duplex property which had recently been raised. Mrs. Sichei stated that a bulk variance was required for front yard setback as well as a special reasons variance for the duplex use.

(6) #LUB-41-14: BERKMAN (Block 4.20, Lot 9.01) 122 East 16th Street, North Beach Haven: Mrs. Sichei stated that applicants proposed to remove the existing rear deck and to construct a rear addition which required a bulk variance for lot coverage.

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Minutes of the meeting held September 10, 2014 were presented for approval. **VanBuren** moved, seconded by **Applegate** for adoption. **Applegate, Konnor, Leonetti, Monaco, Pingaro, Schnell, VanBuren, Andreotta and Hummel** all voted YES.

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

- 1. #LUB-27-14-PF (B): VERIZON NEW JERSEY, INC. – Resolution of Approval** moved by **Konnor**, seconded by **Applegate**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Monaco, Pingaro, Schnell, VanBuren, and Andreotta** all voted YES.
- 2. #LUB-34-14: ZIMAN - Resolution of Denial** moved by **Applegate**, seconded by **Pingaro**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Monaco, Pingaro, Schnell, VanBuren and Andreotta** all voted YES.

3. **#LUB-36-14: NAYAK** – Resolution of Denial moved by **VanBuren**, seconded by **Applegate**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Monaco, Schnell, VanBuren and Andreotta** all voted **YES**.
4. **#LUB-37-14: FRANKOVICH** – Resolution of Approval moved by **VanBuren**, seconded by **Konnor**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Monaco, Pingaro, Schnell, VanBuren, and Andreotta** all voted **YES**.
5. **#LUB-38-14: JOHNSON** - Resolution of Approval moved by **Applegate**, seconded by **Pingaro**. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Monaco, Pingaro, Schnell, VanBuren, and Andreotta** all voted **YES**.

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Mrs. Schnell noted that there was six applications to be considered, as follows:

(1) **#LUB-27-14-PF** **NORTH BEACH HAVEN**

VERIZON NEW JERSEY, INC.

Owner and Applicant
Block 4.41, Lots 4 & 5

Mr. Nicholas F. Talvacchia, Esquire, represented the applicant and evidence was marked as follows: Letter to Board from Samuel Renauro, PE dated September 24, 2014 Re: Verizon, NJ, **#A-15**, Site Plan Map prepared by SR3 Engineers dated March 17, 2014 with the latest revision date of September 23, 2014. (Sheet 1 of 5), **#A-16**, Subdivision Map prepared by SR3 Engineers dated March 17, 2014 with the latest revision date of September 23, 2014. (Sheet 2 of 5) **#A-17**, Grading & Erosion Control Plan prepared by SR3 Engineers dated March 17, 2014 of with the latest revision date of September 23, 2014 (Sheet 3 of 5) **#A-18**, Lighting and Landscaping Plan prepared by SR3 Engineers dated March 17, 2014 with the latest revision date of September 23, 2014. (Sheet 4 of 5) **#A-19**, Construction details prepared by SR3 Engineers dated March 17, 2014 with the latest revision date of September 23, 2014 (Sheet 5 of 5), **#A-20**, and, Review letter to Board from Frank J. Little, Jr., P.E. dated October 1, 2014, **#B-4**. Mr. Talvacchia stated that the application had been revised due to the Board's request for more information on the landscape and lighting specifications and how the property would be maintained. Mr. Talvacchia stated that a maintenance contract was obtained to perform quarterly landscape maintenance on the site.

Ms. Lee Ann Monileux, Real Estate Manager for Verizon, was sworn and testified that quotes had been obtained for plantings on the property as per the Engineer's Landscape Plan and to maintain the plantings on a continuing basis.

Mr. Samuel Renauro, P.E. and P.P in the State of New Jersey with the firm of SR3 Engineers was sworn and described the lighting plan to the Board. Mr. Renauro stated that the additional lighting requested by the Board had been added to the plan. Mr. Renauro stated that it would not affect the adjacent property owners and that timers would be added.

Mr. Frank J. Little, Jr., P.E., Board Engineer stated that the slope of the property was no problem. He stated that the applicant has complied with the review letter.

The Public Session was closed.

Mr. Talvacchia summarized the application stating that they believe they have accommodated the neighbors and the Board with the new Landscape and Lighting Plans and requested that the application be approved as submitted.

The Board discussed the application and requested that a motion sensor be placed on the light on the south end of the driveway. The Board noted that the applicant had accommodated the Board's requests.

Pingaro moved, seconded by VanBuren to approve the Preliminary and Final Subdivision and Site Plan with the revised Lighting and Landscape Plans. The following roll call vote was recorded: Konnor, Leonetti, Pingaro, Schnell, VanBuren, Andreotta and Hummel all voted **YES**.

The Board took a five-minute recess.

Mr. Konnor stepped down from the Board for the remainder of the applications.

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(2) **#LUB-39-14** **NORTH BEACH HAVEN**

NANCY TOFANI
Owner and Applicant
Block 4.19, Lot 2

Mr. Richard Visotcky, 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 March 29, 2014 with the latest revision date of May 1, 2014, **#A-2**, Three page architectural drawings prepared by Michael Pagnotta Architect, P.C., dated August 25, 2014, **#A-3**, and, Review letter to the Board from Frank J. Little, P.E. dated October 1, 2014, **#B-1**.

Mr. Visotcky noted that the applicant had been before the Board on April 9, 2014 and at that time had proposed to retain the original house on the property but that the home did not maintain the proper distance between structures from the adjacent commercial property. Mr. Visotcky stated that the Board also had concerns with the disparity in the size of the proposed

lots. Mr. Visotcky stated that it was now proposed to remove the existing structures and subdivide the property into two lots of the same size and that fifteen feet between structures would be provided.

Mr. James Brzozowski, P.E., P.P., with the firm of Horn, Tyson & Yoder, Inc., described the existing and proposed conditions of the property. Mr. Brzozowski described the surrounding area to the Board. He stated that because the property was not entirely located in the residential zone the subdivision formula would not apply to the property even though it conformed to the other residential lots in the neighborhood. He noted that therefore, bulk variances were required. Mr. Visotcky submitted photographs of the property, marked **#A-4**. Mr. Brzozowski stated that the proposed new single family homes would meet all of the setback requirements.

Mr. Little stated that all of the items on his review letter had been addressed but the applicant would need to request a waiver from the curb requirements.

The Public Session was closed.

The Board felt that the application was straightforward and that the applicants had made every effort to comply with the Board's comments from the prior application.

Southwick moved, seconded by Pingaro to approve the application as submitted with a waiver of the sidewalk requirement. The following roll call vote was recorded: Applegate, Leonetti, Monaco, Pingaro, Schnell, Southwick, VanBuren, Moran and Andreotta all voted **YES**.

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(3) #LUB-40-14 NORTH BEACH HAVEN

TROOST HOLDING, LLC

Owner and Applicant

Block 4.11, Lot 1

Mr. Reginald Raban, Esquire, represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Minor Subdivision Plan prepared by Nelke/Tyszka Land Surveyors, LLC dated July 7, 2014 and revised August 5, 2014, **#A-2** and review letter to the Board from Frank J. Little, Jr., P.E., dated October 1, 2014 **#B-1**. Mr. Raban stated that the applicants proposed a two lot subdivision on a property that fronted on three streets. Mr. Raban stated that the property was located in the Marine Commercial Zone and therefore the subdivision formula was not able to be utilized.

(Tape #577 – Side 2)

Mr. Raban stated that if the property were located in a residential zone the subdivision it would comply with the subdivision ordinance and variances would not be required. Mr.

Raban stated that the existing structures would be removed and that the two proposed lots would fit into the neighborhood better than one oversized lot. Mr. Raban addressed Mr. Little's review letter.

Adelaide Furrer of 1405 Waverly Avenue, was sworn and raised questions about marina use.

Michael Moore of 1404 Bay Terrace was sworn and testified that the proposal was a big improvement and would be in favor of the application.

The Public Session was closed.

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

Mr. Little stated that if this application were approved the applicant would need a waiver of the sidewalk requirements but that curbs should be required.

The Board discussed the application and when the buildings should be demolished.

Southwick moved, seconded by Leonetti to approve the application as submitted with the waiver of the sidewalk requirement and that the structure be demolished within 190 days. The following roll call vote was recorded: Applegate, Leonetti, Monaco, Pingaro, Schnell, Southwick, VanBuren, Moran and Andreotta all voted **YES**

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(4) **#LUB-41-14** **NORTH BEACH HAVEN**

DR. SHELDON AND BARBARA BERKMAN

Owners and Applicants
Block 4.20, Lot 9.01

Mr. Richard Visotcky, Esquire, represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Horn, Tyson & Yoder, Inc. dated July 3, 2014, **#A-2**, Six page architectural drawings prepared by Jay Madden Architect dated August 13, 2014, **#A-3**. Mr. Visotcky described the existing property and stated that the applicant proposed to demolish the back deck to accommodate a rear addition which would require a bulk variance for lot coverage.

Mr. James Brzozowski, P.E., P.P., with the firm of Horn, Tyson & Yoder, Inc., was sworn and described the current conditions of the property and stated that the existing coverage was right at what was permitted in the zone. Mr. Brzozowski stated that the proposal would increase the lot coverage to 36.4 percent. Mr. Visotcky submitted photographs of the property, marked **#A-4 and #A-5** which Mr. Brzozowski described. Mr. Brzozowski stated that the addition, which was proposed for the rear of the property would not negatively impact the neighborhood.

Mr. Jay Madden, Architect of Harvey Cedars was sworn and described the plans as proposed. Mr. Madden stated that the existing home required more space for the applicants who planned to become full time residents. Mr. Madden stated that the applicants required more storage space and larger bedrooms.

Dr. Sheldon Berkman, Owner & Applicant was sworn and testified that the home would become their year round residence and that more space was required for their grandchildren and special needs daughter. He noted that an elevator was planned for the future.

The Public Session was closed.

Mr. Visotcky stated that the increase in lot coverage on the undersized lot was deminimus and noted that all other zoning requirements would be met. He requested the application be approved as submitted.

The Board discussed the application and noted that no other variances were required and that a portion of the existing deck would be used for the proposed addition. Some members of the Board felt that the proposed lot coverage was excessive. It was noted that if the application were approved, it should be with the condition that the existing decks never be enclosed.

(Tape #578- Side 3)

Moran moved, seconded by Andreotta to approve the application as submitted with the condition that the front deck never be enclosed. The following roll call vote was recorded: Applegate, Leonetti, Monaco, VanBuren, Moran and Andreotta all voted **YES**. Pingaro, Schnell and Southwick voted **NO**. **The motion carried.**

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(5) #LUB-42-14 PEAHALA PARK

KEVIN AND PAULA CUMMINGS

Owners and Applicants

Block 12.22, Lot 1

Mr. Kevin Cummings and Mrs. Paula Cummings represented themselves and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Horn, Tyson & Yoder, Inc. dated June 11, 2014 with the latest revision date of September 2, 2014, **#A-2**, Three page architectural drawings prepared by V. Baras Architects dated June 1, 2014, **#A-3**. Mr. Cummings stated that the first floor of the existing structure had been damaged by Super Storm Sandy. He stated that they had elevated the house to be above the flood plain and were careful to maintain the same footprint. Mr. Cummings stated that they proposed a small porch and staircase to access to the first floor of the structure. Mr. Cummings stated that before the structure was raised they could walk out to a grade deck and enjoy the view of the Bay. He noted that the proposal would give them an additional thirty square feet of usable space to be able to sit out on the porch.

Mr. James Brzozowski, P.E., P.P., with the firm of Horn, Tyson & Yoder, Inc., was sworn and submitted a copy of the Building Permit Plot Plan, marked #A-4. The Board discussed the fact that the deck had already been build. Mr. Brzozowski explained that the builder had thought that the deck was allowed and that the variance required was for the proposed steps. It was noted that seventy square feet was allowed for an entrance. Mr. Brzozowski noted that a bulk variance was required for front yard setback to the covered porch and stated that the porch was aesthetically pleasing and more attractive than a staircase coming straight out with a landing. Mr. Cummings stated that if the stairs were located against the house they would not project into the site triangle.

The Public Session was closed.

The majority of the Board felt that the porch as it existed and the stairs as proposed were more aesthetically pleasing than what had previously existed. The Board was not in favor of a staircase and landing extending straight out from the structure.

Southwick moved, seconded by Moran to approve the application as submitted with the stipulation that none of the decks ever be enclosed. The following roll call vote was recorded: Leonetti, Schnell, Southwick, VanBuren and Moran all voted **YES**. Applegate and Pingaro voted **NO**.

Mr. Southwick stepped down from the Board for the remainder of the evening.

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(6) #LUB-43-14 BEACH HAVEN TERRACE

JEFFREY AND JOAN KONNOR

Owners and Applicants
Block 7.23, Lot 20

Mr. Jeffrey Konnor represented himself and evidence was marked as follows: Application and Attachments, #A-1, Minor Subdivision Map prepared by Horn, Tyson & Yoder, Inc. dated August 29, 2014, #A-2, Two page architectural drawings prepared by Studio Tagland Designs, LLC dated September 15, 2014, #A-3, and Review letter to Board by Frank J. Little, Jr., P.E., dated October 1, 2014, #B-1.

Mr. James Brzozowski, P.E., P.P., with the firm of Horn, Tyson & Yoder, Inc., described the existing and proposed conditions of the property. Mr. Brzozowski stated that the applicant was seeking to subdivide the property into two equal lots and that there was a small portion of lot 20 that was ten feet by thirty feet that the applicant proposed to cut off and transfer to adjacent lot 21. Mr. Brzozowski stated that there were eight lots within two hundred feet of the property and four of those lots had an area equal to or less than the two, proposed fifty by ninety foot lots. Mr. Brzozowski noted that the calculation included the Bayfront lot 21. He stated that if lot 21 were included in the subdivision and therefore excluded from the calculation of the lots within two hundred feet, then the proposed lots would conform to the subdivision ordinance and not require variances.

Mr. Konnor stated that the proposed lots would be conforming to the lots along his side of the street and behind him. He stated that the proposed structures would conform to all bulk requirements. Mr. Brzozowski submitted a copy of the tax map, marked #A-4 and noted that the proposed lots would be in keeping with the lots in the neighborhood that did not have water frontage. Mr. Konnor addressed the Engineer's review letter and requested a waiver from the sidewalk requirement.

The Public Session was closed.

The Board discussed the application and noted that application was straightforward and that the variances should be requested.

Moran moved, seconded by Hummel to approve the application as submitted with a waiver of the sidewalk requirement and the granting of the variances. The following roll call vote was recorded: Applegate, Leonetti, Monaco, Pingaro, Schnell, Southwick, VanBuren, Moran, Andreotta and Hummel all voted **YES**.

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Mr. Konnor rejoined the Board.

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(Tape #578- Side 4)

The Board discussed chairlifts, elevators and the related costs.

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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 9:10 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN