

**BRANT BEACH, NEW JERSEY
OCTOBER 9, 2013**

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, 2013 as required by the Open Public Meeting Act.”

Members of the Board present: **Commissioner R. H. Bayard, J. C. Konnor, J. A. Leonetti, R. R. Monaco as Mayor’s Designee, R. Pingaro, D. A. Southwick and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **Mrs. V. E. Applegate, Mayor J. H. Mancini and R. S. VanBuren.**

Alternate member of the Board present: **P. M. Moran and R. Andreotta.**

Alternate members of the Board absent: **R. L. Jones and J. E. Hummel.**

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

(Tape #544 - Side 1)

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

(1) #LUB-33-13: RYAN (Block 4.19, Lot 12) 16 East 16th Street, North Beach Haven: Mrs. Sicheri stated that the applicants proposed to raise the existing single family home and construct a second floor addition and rear deck which required bulk variances for lot area and width, front, rear and side yard setbacks, combined side yard setbacks and lot coverage.

(2) #LUB-34-13: BARD (Block 20.80, Lot 2) 180 Marina Boulevard, Loveladies: Mrs. Sicheri stated that the applicants proposed to construct a front porch and staircase on the existing single family home to update what currently existed. Mrs. Sicheri noted that a bulk

variance for lot coverage was required.

(3) #LUB-35-13: ZOLADZ (Block 12.19, Lot 13) 3 West Sand Dune Lane, Peahala Park: Mrs. Sicheri stated that the applicants proposed to demolish the existing single family home and construct a new single family home which required bulk variances for front and side yard setbacks as well as distance between structures.

(4) #LUB-36-13: BROWNING (Block 11.23, Lot 47) 2 West Alabama Avenue, Beach Haven Park: Mrs. Sicheri noted that the applicant proposed to raise the existing single family home and construct additions which required a bulk variances for side yard setback.

(5) #LUB-37-13: McBURNIE, CAVANAUGH AND REDDY (Block 15.67, Lot 4) 3 West Kirkland Avenue, Brant Beach: Mrs. Sicheri stated that the applicants proposed to demolish and rebuild the existing duplex and single family structures which required bulk variances for rear yard setback and lot coverage. Mrs. Sicheri noted that a special reasons variance was required as well for the expansion of the pre-existing triplex use and that a waiver of site plan approval was requested.

(6) #LUB-38-13: RILEY (Block 15.01, Lot 3) 29 West Harrington Avenue, Brant Beach: Mrs. Sicheri stated that the applicants proposed to demolish the existing single family structure and construct a new single family home which required bulk variances for side, front and rear yard setback as well as distance between structures.

Mr. VanBuren joined the Board.

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Minutes of the meeting held August 14, 2013 were presented for approval. **VanBuren** moved, seconded by **Southwick** for adoption. The following roll call vote was recorded: **Bayard, Konnor, Leonetti, Monaco, Pingaro, Schnell, Southwick, VanBuren and Andreotta all voted YES.**

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

- 1. #LUB-23-13: ASTROM – Resolution of Approval moved by Leonetti seconded by VanBuren. The following roll call vote was recorded: Leonetti, Monaco, Schnell, VanBuren and Andreotta all voted YES.**
- 2. #LUB-29-13: CZERNIK AND MILANO – Resolution of Approval moved by VanBuren, seconded by Leonetti. The following roll call vote was recorded: Konnor, Leonetti, Monaco, Schnell, VanBuren and Andreotta all voted YES.**
- 3. #LUB-31-13: DELVECCHIO – Resolution of Approval moved by VanBuren, seconded by Leonetti. The following roll call vote was recorded: Konnor, Leonetti, Monaco, Schnell, VanBuren, Moran and Andreotta all voted YES.**
- 4. #LUB-32-13: KAROLE – Resolution of Approval moved by Konnor, seconded by**

VanBuren. The following roll call vote was recorded: **Konnor, Leonetti, Monaco, Schnell, VanBuren, Moran and Andreotta all voted YES.**

5. **#LUB-22-13A: MEENAN** – Resolution of Approval moved by **VanBuren**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Monaco, Schnell, VanBuren and Andreotta all voted YES.**

6. **#LUB-30-13: 208 E. SOUTH 32ND STREET, L.L.C.** – Resolution of Approval moved by **VanBuren**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Monaco, Schnell, VanBuren, Moran and Andreotta all voted YES.**

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

(1) **#LUB-33-13 NORTH BEACH HAVEN**

JOHN K. & NANCY RYAN

Owners and Applicants

Block 4.19, Lot 12

Mr. Richard P. Visotcky, Esquire, represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Horn, Tyson and Yoder, Inc. dated May 1, 2013, **#A-2**, and, two page architectural plan prepared by Craig W. Brearley, Architect, dated July 31, 2013, **#A-3**. Mr. Visotcky stated that it was proposed to raise the home above Base Flood Elevation and build a second story on the home. He noted that there would be garage space below. Mr. Visotcky stated that the nonconformities would remain the same but that lot coverage would increase.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the property to the Board. Mr. Brzozowski described the proposed additions to the Board and noted that lot coverage would be increased by approximately 280 square feet due to the proposed decks. Mr. Brzozowski submitted photographs submitted to the Board, marked **#A-4** and noted that the proposal would be an aesthetic improvement to the neighborhood and would provide off street parking.

Mr. Craig Brearley, Architect was sworn and described the proposed plans to the Board. Mr. Brearley stated that a modest raised deck was proposed at the rear of the home with a staircase to the yard and that the relief requested was for the decks.

Mr. John Ryan, owner of the property, was sworn and testified that he had no problem with a condition that the decks never be enclosed.

The Public Session was closed.

Mr. Visotcky requested that application be approved as submitted noting that the decks would remain open.

The Board noted their concerns with the increased lot coverage and that the existing distance between structures had not been improved. The Board felt that the proposed expansion of the home was too large for the size of the lot.

(Tape #544 – Side 2)

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

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(2) #LUB-34-13 LOVELADIES

ROBERT A. & ELEANOR H. BARD

Owners and Applicants

Block 20.80, Lot 2

Mr. and Mrs. Robert A. Bard, Applicants represented themselves and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Nelke/Tyszka Land Surveyors, LLC, dated July 25, 2013, **#A-2**, and, two page architectural plan prepared by Jay Madden, Architect, dated August 2, 2013 **#A-3**. Mr. Bard stated that they were requesting a lot coverage variance to be allowed to build a front porch and stairway. Mr. Bard explained the plans to the Board using a Lego model. He stated that the porch would never be enclosed.

Mr. Alan Nachman employee of Jay Madden, Architect, was sworn and noted that the upland area of the lot was less than that of a typical Loveladies lot. Mr. Nachman stated that a trellis was proposed above the porch and would be an aesthetic improvement. Mrs. Bard noted that the proposed porch would allow for a safer means of access and egress.

The Public Session was closed.

Mr. Bard requested that the application be approved as submitted noting that the addition would be an aesthetic improvement.

The Board stated that the proposed porch was tucked into a corner by the garage and would not have an impact on the neighbors. They approved of the aesthetic and safety improvement.

Moran moved, seconded by Southwick to approve the application as submitted. The following roll call vote was recorded: Bayard, Konnor, Leonetti, Monaco, Pingaro, Schnell,

Southwick, VanBuren and Moran all voted **YES**.

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(3) **#LUB-35-13** PEAHALA PARK

RAYMOND & JEAN M. ZOLADZ

Owners and Applicants
Block 12.19, Lot 13

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 dated July 17, 2013, with the latest revision date of September 9, 2013, **#A-2**, and, four page architectural plan prepared by John Daniel Skodi, Architect, dated May, 2013, **#A-3**. Mr. Raban stated that the variance map differed from the explanation in the application. Mr. Raban stated that after the design was completed for the house to be raised, it was analyzed and the applicants decided that it would be better to rebuild in place. Mr. Raban stated that the nonconformities were preexisting.

Mr. Raymond Zoladz, owner was sworn and described the proposed plans to replace the existing storm damaged home. Mr. Zoladz stated that he wanted to retain his back yard.

The Board discussed the proposed plans.

The Public Session was closed.

Mr. Raban stated that the proposal was a storm generated change. Mr. Raban stated that the home could be remodeled in place but that the applicant needed to come before the Board to rebuild, new, in the existing footprint.

The Board noted that the lot coverage was in compliance and that the proposed nonconforming distance between structures was the same as existed. They noted that new construction was preferable to renovating what existed.

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

The Board took a five-minute recess.

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(4) **#LUB-36-13** BEACH HAVEN PARK

JOHN & SANDRA BROWNING

Owners and Applicants

Block 11.23, Lot 47

Mr. Reginald J. Raban, Esquire represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Nelke/Tyszka Land Surveyors, Inc., dated September 4, 2013, **#A-2** and, two page Architectural Plan prepared by Lance Vogl, Architect dated September 13, 2013, **#A-3**. Mr. Raban stated that the existing home was to be raised in place and that a variance was requested to extend a nonconforming side yard to accommodate the proposed porch and entry staircase.

Mr. John Browning, owner was sworn and testified that the proposed lot coverage would increase slightly but remain at the one third permitted coverage. Mr. Browning stated that a front and side yard setback variance were required to allow the proposed porch to extend across the front of the home with a staircase going down the side.

The Public Session was closed.

Mr. Raban stated that the application was straightforward and requested that it be approved as submitted.

The Board noted that the request was reasonable and that the proposed porch extension would be an aesthetic improvement.

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

(Tape #545 – Side 3)

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The Board took a five-minute recess.

Commissioner Bayard stepped down from the Board for the evening.

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

(5) **#LUB-37-13** BRANT BEACH

ROBERT & MICHELLE MCBURNIE, UNIT 3

Applicants

**KEVIN & JOAN CAVANAGH, UNIT 1; JAMES & NICOLE REDDY,
UNIT 2; AND ROBERT & MICHELLE MCBURNIE, UNIT 3**

Owners

Block 15.67, Lot 4

Mr. Reginald J. Raban, Esquire represented the applicants and evidence was marked as follows: Application and Attachments, including a letter requesting waiver from site plan approval, #A-1, Variance Map prepared by Horn, Tyson and Yoder, Inc., dated June 19, 2013, #A-2, two page Architectural Plan prepared by The Sibona Group dated August 3, 2013 for Unit 1, #A-3, and, two page Architectural Plan prepared by Scott Lepley, Architect dated June 14, 2013 for Units 2 and 3, #A-4. Mr. Raban stated that the property contained a single family unit in the front and a duplex unit in the rear of the property. He stated that both of the structures were substantially damaged during Super Storm Sandy.

Mrs. Sicheri noted that the Ordinance required a Site Plan and Mr. Raban stated that the testimony offered would answer any questions that would be generated by a formal site plan. The Board felt that a determination could be made through testimony.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the property to the Board. Mr. Brzozowski stated that it was proposed to demolish and rebuild the existing structures which required a lot coverage and rear yard setback variance. Mr. Brzozowski addressed the parking and trash pick-up. Mr. Brzozowski stated that the lot coverage had increased due to the addition of the deck on the rear duplex structure. Mr. Raban stated that if the deck were removed, the lot coverage would be conforming.

The Board discussed the proposed parking. Mr. Brzozowski submitted a set of four photographs, marked #A-5. Mr. Raban stated that the neighbor to the west had contacted him regarding the trash disposal and the water and sewer lines. The Board discussed the proposed trash corrals.

Mr. Vincent J. Sibona, Jr., registered Architect in the State of New Jersey was sworn and testified that he had drawn the plans for the single family home in the front of the property. He described the existing structure and the proposed plans to the Board He stated that he was familiar with the plans of the duplex at the rear of the property that was designed by Scott Lepley and felt that the stairway could be redesigned.

Ms. Michelle McBurnie, Mr. Reddy, and Mr. Kevin Cavanaugh, owners of the property, were sworn and addressed the design of the proposed duplex structure. Ms. McBurnie stated that she was formally modifying the application to remove the deck on the structure. The parking and trash corral were discussed. Mr. Cavanaugh stated that the trash corrals would be maintained on the east side of his home. Mr. Raban stated that the plan would be revised to show the location of the trash corral and the removal of the deck on the duplex.

(Tape #545 – Side 4)

Mr. David Belfatti, adjoining property owner at 5412 Long Beach Boulevard was sworn and testified as to his concerns with the size of the proposed homes.

Ms. Kathleen Keating, adjoining property owner at 11 West Kirkland Avenue was sworn and stated her objections with the lack of a site plan and her objections with the

application. The Board noted that everything that would have been on the site plan had been addressed.

Mr. Michael Keating, adjoining property owner at 11 West Kirkland Avenue was sworn and stated that the water/sewer lines crossed his property and asked that they be properly installed. It was noted that if the application was approved, as part of the permit process, the lines would be cut and capped and new lines would be installed.

The Public Session was closed.

Mr. Raban requested that the application be approved noting that the proposal would improve the situation in the neighborhood and be a benefit to everyone. Mr. Raban stated that the trash and the water/sewer lines would be addressed and that the deck on the duplex would be removed.

The Board noted that site plan concerns had been addressed and that the applicants had improved a lot of the conditions that had existed on the property.

Konnor moved, seconded by Moran to approve the application with the following conditions: 1. That the deck on the duplex be removed and the stairs be reconfigured; 2. That trash corrals be installed on the east side of the property to hold six garbage cans; 3. That air conditioner platforms be addressed and raised to the first floor level; 4. That water/sewer lines be addressed and installed on the applicants' property; 5. That the outdoor showers be within the footprint of the building; 6. That all lighting be directed downward; 7. That the maximum lot coverage not exceed one third; and 7. That the applicants submit revised plans consistent with the approval. The approval would incorporate the waiver of the site plan and granting of the variances. The following roll call vote was recorded: Konnor, Leonetti, Pingaro, Schnell, Southwick, VanBuren and Moran all voted **YES**.

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Mr. Monaco rejoined the Board.

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

(5) **#LUB-38-13 BRANT BEACH**

ERNEST R. & SARAH E. RILEY

Owners and Applicants
Block 15.01, Lot 3

Mr. Stuart Snyder, Esquire represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Nelke/Tyszka Land Surveyors, Inc., dated August 16, 2013, **#A-2** and, two page Architectural Plan prepared by

Studio Tagland Designs dated August 21, 2013, #A-3. Mr. Snyder stated that it was proposed to demolish the existing storm damaged home and construct a new single family home in the same footprint. Mr. Snyder stated that the nonconforming side yard faced the neighbors rear yard so that the proper distance between structures would always be maintained. Mr. Snyder stated that the proposed new addition to the home would maintain all of the proper setbacks and that the lot coverage was in conformity.

Mr. David Gaffin, registered Architect in the State of New Jersey with the firm of Studio Tagland Designs was sworn and described the proposed plans to the Board. Mr. Gaffin stated that the home would be elevated and comply with the FEMA requirements.

Mr. Ernest Riley, owner was sworn and testified that the proposed structure was a single family home and would be their retirement home.

The Public Session was closed.

Mr. Snyder stated that the proposed home did not exceed the allowable height or building coverage and fit within the scale of the lot. Mr. Snyder requested that it be approved as submitted.

(Tape #546 – Side 5)

The Board felt that the request was modest and that the proposed structure was appropriate for the size of the lot.

Southwick moved, seconded by Moran to approve the application with the condition that the dwelling be constructed within the height limitation. The following roll call vote was recorded: Konnor, Monaco, Pingaro, Schnell, Southwick, VanBuren, Moran and Andreotta all voted **YES**.

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Under **Old Business**, the Board discussed the Year End Report. **VanBuren moved, seconded by Pingaro to approve Resolution adopting the Year End Report.** The following roll call vote was recorded: Konnor, Leonetti, Monaco, Pingaro, Schnell, Southwick, VanBuren, Moran and Andreotta all voted **YES**.

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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 9:58 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN