

BRANT BEACH, NEW JERSEY  
OCTOBER 12, 2011

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, 2011 as required by the Open Public Meeting Act."

Members of the Board present: **Mrs. V. E. Applegate, Commissioner R. H. Bayard, J. C. Konnor, J. A. Leonetti, R. S. VanBuren and Mrs. L. J. Schnell** presiding.

Members of the Board absent: **Mayor J. H. Mancini, R. R. Monaco, Mayor's Designee and D. A. Southwick**.

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

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

(Tape #502 - Side 1)

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

**(1) #LUB-21-11: MILES (Block 15.101, Lots 1.05 and 1.07) 18 West 44<sup>th</sup> Street, Brant Beach:** Mrs. Sicheri stated that the applicants proposed to resubdivide the premises into two conforming lots.

**(2) #LUB-22-11: D'ALCONZO (Block 18.92, Lot 6) 1092F Long Beach Boulevard, North Beach:** Mrs. Sicheri noted that the applicants proposed raise the existing structure and construct additions and renovations. Mrs. Sicheri stated that a use variance was required because the applicants proposed to raise the home to a height that exceeded the permitted height by ten percent. Mrs. Sicheri noted that a bulk variance was not required for the application.

(3) **#LUB-14-11-PF: WOOLLEY (Block 5.15, Lots 1 and 2) 208 East 24<sup>th</sup> Street, Spray Beach:** Mrs. Sicheri noted that the application was a continuation from the June 8, 2011 meeting. Mrs. Sicheri stated that the applicant proposed to construct a deck surrounding the pool at the Spray Beach Motel which required preliminary and final site plan approval as well as bulk and special reasons variances.

(4) **#LUB-20-11: DESAVINO (Block 11.18, Lot 8) 119 East Texas Avenue, Beach Haven Park:** Mrs. Sicheri noted that the applicants had a prior approval in 2003 to demolish the existing single family home and the garage apartment and construct a new single family home. Mrs. Sicheri noted that the approval had expired. Mrs. Sicheri stated that the applicants now proposed renovations to both structures which required bulk and special reasons variances and noted that an interpretation of Ordinances 205-11C and 51-4B were also requested by the applicants.

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Minutes of the meeting held September 14, 2011 were presented for approval. **Bayard** moved, seconded by **VanBuren** for adoption. The following roll call vote was recorded: **Bayard, Konnor, Leonetti, VanBuren and Jones all voted YES.**

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

1. **#LUB-17-11: LEE** – Resolution of Approval moved by **VanBuren**, seconded by **Jones**. The following roll call vote was recorded: **Bayard, Konnor, Leonetti, VanBuren and Jones all voted YES.**
2. **LUB-19-11: BAXTER** – Resolution of Approval moved by **Jones**, seconded by **VanBuren**. The following roll call vote was recorded: **Bayard, Konnor, Leonetti, VanBuren and Jones all voted YES.**

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

\* \* \* \* \*

(1) **#LUB-21-11** BRANT BEACH

**BERTRUM AND HELEN MILES**

Owners & Applicants

Block 15.101, Lots 1.05 and 1.07

**Mr. Reginald J. Raban, Esquire represented the applicants and evidence was marked as follows:** Application and Attachments, #A-1, Minor Subdivision Map prepared by Nelke/Tyszka Land Surveyors, L.L.C., dated August 11, 2011, #A-2, review letter to the Board by Frank J. Little, Jr., P.E. dated October 3, 2011, #B-1 and memo to the Board from JoAnne Tallon, Zoning Officer, dated September 20, 2011, #B-2. Mr. Raban stated that the application was for a completely conforming minor subdivision. Mr. Raban stated that the applicants agreed to all of the conditions of the Engineer's review letter and was requesting a waiver of the sidewalk requirements.

**Mr. Bertram Miles, Owner of the property** was sworn and testified that he would comply with the conditions of the Engineer's review letter. Mr. Miles noted that the bay front lot had access from the Boulevard.

**The Public Session was closed.**

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

The Board felt that the application was straightforward and would be in favor of the waiver of the sidewalk requirement.

**Moran moved, seconded by VanBuren to approve the application with a waiver for sidewalks and with the condition that curbs be installed in accordance with the Township Engineer.** The following roll call vote was recorded: Applegate, Bayard, Konnor, Leonetti, Schnell, VanBuren, Moran, TERNYLA and Jones all voted **YES**.

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**Commissioner Bayard stepped down from the Board for the evening.**

(2) #LUB-14-11-PF

SPRAY BEACH

**JOHN WOOLLEY**  
Owner and Applicant  
Block 5.15, Lots 1 & 2

**Mrs. Sicheri noted that the application had been held over from the June 8, 2011 meeting.**

**Mr. Reginald J. Raban, Esquire, represented the applicant and evidence was marked as follows:** Application and Attachments, #A-8, Site Plan prepared by Horn, Tyson and Yoder, Inc., dated February 13, 2004 and bearing the latest revision date of August 12, 2011, #A-9, one page architectural drawing by Musnug and Associates dated August 18, 2011, #A-10, and review letter to the Board by Frank J. Little, Jr., P.E. dated September 6, 2011, #B-1. Mr. Raban stated that Mr. Brzozowski would review the site plan required by the

Board.

**Mr. James Brzozowski, P.E., P.P., with Horn, Tyson and Yoder, Inc.,** was sworn and described the existing conditions of the property to the Board and noted that the Spray Beach Inn which was located in a residential zone. Mr. Brzozowski noted that the proposal was to enlarge the pool deck which would be eight feet above the ground with parking underneath. He stated that the enlarged pool deck area would allow the guests a nicer area to enjoy during their stay. Mr. Brzozowski addressed the Board Engineer's review letter and addressed the off-site parking.

The Board discussed the parking under the proposed deck.

**Mr. John Woolley, owner of the Spray Beach Motel** was sworn and testified that the pool was for the exclusive use of the hotel guests. He noted that there would not be any live entertainment and that the pool area would be closed at 9:30 P.M.. He also noted that there would not be any tiki bar on the deck.

**Mr. Robert Kiss, Esquire, was sworn** and stated the he represented David Martin, 100 East 23<sup>rd</sup> Street, Karen Kiss at 104 East 23<sup>rd</sup> Street, Harrison Hall at 106 East 23<sup>rd</sup> Street, the DuPrey family at 113 East 23<sup>rd</sup> Street, the Rubinfeld family at 2306 Atlantic Avenue and the Gibbs family at 2304 Atlantic Avenue. Mr. Kiss addressed the lighting and the proposed lot coverage. Mr. Brzozowski stated that the calculation for lot coverage did not include a grade level deck.

Mr. Kiss stated that the area of the property that was being utilized continued to increase. Mr. Kiss stated that a true cantilevered deck would not impinge on the existing parking. Mr. Kiss requested that the application be turned down.

**Ms. Pamela Vehslage of 127 East 24<sup>th</sup> Street** was sworn and stated her concerns with noise.

**Ms. Carolyn Wenzel of 130 East 24<sup>th</sup> Street** was sworn and testified that she would like a condition that alcohol could not be served in the pool area.

**(Tape #502 – Side 2)**

**Ms. Mary Manna of 116 East 23<sup>rd</sup> Street** was sworn and stated her concerns with parking. She noted that a bike rack also took up parking spaces.

**The Public Session was closed.**

Mr. Raban stated that pool deck would enhance the quality of a guest's stay and that the proposed parking spots were conforming. Mr. Woolley stated that the gate to the pool area would be locked at 9:30 P.M..

Mr. Little stated that the Engineer's Site Plan would be revised to be consistent with the Architectural Plan.

The Board noted that since the proposed deck would not change the amount of parking and that the pool area would be closed and secured at 9:30 PM that they would be in favor of the application.

**Moran moved, seconded by Applegate to approve the application with the following conditions: 1. That the pool deck never be covered, 2. That the pool deck to be closed at 9:30 P.M., 3. That the lights shine towards the building in accordance with the Engineer's requirements and 4. That no tiki bar or cabana be built on the deck.** The following roll call vote was recorded: Applegate, Konnor, Leonetti, Schnell, VanBuren, Moran and TERNYLA all voted **YES**.

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(3) **#LUB-22-11** **NORTH BEACH**

**DIANE AND VITO D'ALCONZO**

Owners & Applicants

Block 18.92, Lot 6

**Mr. Reginald J. Raban, Esquire represented the applicants and evidence was marked as follows:** Application and Attachments including revised form Z-2, Z-2c and Z-2d, **#A-1**, sheet of two photographs of the property, **#A-2**, survey of property prepared by George W. Henn, Inc. dated April 15, 2011, **#A-3**, Plot Plan with grading and Variance Map prepared by Ronald W. Post Surveying, Inc., dated September 16, 2011, **#A-4**, two page architectural drawing prepared by Kapuscinski/Luongo Architects dated August 19, 2011, **#A-5**, and, note from JoAnne Tallon, Zoning Officer dated September 26, 2011, **#B-1**. Mr. Raban stated that the applicants required a "D" variance because the applicants proposed to raise the house to be at a height of more than ten percent above the permitted height. Mr. Raban stated that the original portion of the home needed to be raised to meet the flood ordinance and that the remaining renovations would be conforming. Mr. Raban stated that a small portion of the peak of the home would be at thirty-nine feet and felt that the portion of the peak that violated the height ordinance was small enough that it was not significant.

**Ms. Karen N. Luongo with Kapuscinski/Luongo Architects** was sworn and qualified. Ms. Luongo submitted photographs of the property, marked **#A-6** and elevations of the proposed renovations and additions, marked **#A-7**. Ms. Luongo described the existing home and the proposed plans. Ms. Luongo stated that because of the triangular shape of the existing home the height impact was minimal.

**Ms. Viola Lynch of 1090F Long Beach Boulevard** was sworn and testified that she owned the adjacent property to the south. Ms. Lynch stated that the existing peak was already five feet over the height requirement and that the applicants now proposed to raise the structure even more. Ms. Lynch felt that since applicants were renovating the property that the height should be brought into conformity. She noted that the home as it existed overshadowed her home.

**The Public Session was closed.**

Mr. Raban stated that the applicants liked the existing home and that it was a landmark in the community and raising it an additional 1.4 feet would not have a negative impact. He noted that the structure as it existed already had an impact on the area.

Mr. Raban stated that the structure had to be raised to comply with the flood ordinance. He noted that it should not be required to reconfigure a design that was unique and should be allowed to continue. He requested that the application be approved.

The Board discussed the raising and proposed height of the structure.

Members of the Board noted that there was not any living space in the area proposed to be in violation of the height ordinance and that there was not any benefit for allowing the home to be raised to thirty-nine feet.

**Moran moved, seconded by Leonetti to approve the application as submitted.** The following roll call vote was recorded: Leonetti, Schnell, VanBuren and Moran all voted **YES**. Applegate, Konnor and Ternyila all voted **NO**. **The motion was DENIED.**

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**(4) #LUB-20-11 BEACH HAVEN PARK**

**FRANKLIN G. AND KATHLEEN D. DESAVINO**

Owners and Applicants

Block 11.18, Lot 8

**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 September 2, 2001, and bearing the latest revision date of August 17, 2011, **#A-2**, four page architectural drawing by Craig W. Brearley, A.I.A., dated July 28, 2010 bearing the latest revision date of February 25, 2011, **#A-3** and, letter to Richard P. Visotcky, Esquire from JoAnne Tallon, Zoning Officer, dated August 25, 2011, **#A-4**.

**(Tape #503 – Side 3)**

Mr. Visotcky stated that the applicants had a prior approval from the Board to remove the garage apartment and existing home and to construct a new single family home. Mr. Visotcky noted that the approval had expired and that the applicants were now proposing a modification of the existing structures. Mr. Visotcky noted that the Zoning Officer had determined that a two foot wide cantilevered oceanfront deck would be allowed but that a four foot wide deck would require a variance. Ms. Tallon suggested that the applicant apply for an interpretation of the ordinance to determine whether the Board had jurisdiction over the application to grant a variance. Mr. Visotcky also asked for an interpretation as to whether a variance was even needed for the proposed cantilevered deck.

Mrs. Sicheri noted that the Board did not have jurisdiction over Chapter 51, Beaches.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.** was sworn and described the existing property and proposed renovations to the Board. Mr. Brzozowski stated that the Zoning Officer had denied the permit solely on the aspect of the proposed oceanfront deck projecting over the prevailing setback line. Mr. Brzozowski stated that the proposed upper deck would not project further than the existing lower deck. Mrs. Sicheri noted that the deck would be considered an expansion of a nonconforming use and would therefore require a special reasons variance.

The need for the special reasons variance was discussed.

**Mr. Franklin G. DeSavino, applicant** was sworn and testified that he was also considering a pool but that it had never been finalized.

Mrs. Sicheri stated that the applicants would have to go to the Board of Commissioners for relief from Section 51-4B.

**Mr. Craig W. Brearley, Architect**, was sworn and described the proposed architectural plans to the Board. Mr. Brearley stated that they would not be before the Board except for the proposed deck.

The Board discussed the application.

Mr. Visotcky noted that the deck was an integral part of the application and asked for an interpretation from the Board as to which ordinance applied to the application and whether a bulk variance was required for the proposed raised deck.

**The Public Session was closed.**

The Board was polled as to whether they have jurisdiction over Section 51-4B. **The Board voted, by voice vote, that they did not have jurisdiction over Section 51-4B.**

The Board was polled as to whether the application required bulk variances. **Applegate, Konnor, Schnell, VanBuren, Moran, Ternyila and Jones all voted YES. Leonetti voted NO.** It was determined that bulk variances were required.

**Mr. Visotcky withdrew the remainder of the application.**

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**(Tape #503 – Side 4)**

The Board addressed recommendations from the Alternate Energy Committee. Mr. Jones discussed the proposed recommendations with the Board. The Board approved of the

recommendations from the Alternate Energy Committee by voice vote but suggested that the issue of strobing be addressed.

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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 9:30 P.M.

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

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