

**BRANT BEACH, NEW JERSEY**

October 14, 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: **P. M. Moran and R. L. Jones.**

Alternate member of the Board absent: **R. Andreotta.**

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. Sharon L. Bongiovani, Clerk.**

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**(Tape #606 - Side 1)**

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

**1. #LUB-36-15: DOEL (Block 4.02, Lot 1) 1209B Long Beach Boulevard, North Beach Haven:** Mrs. Sicheri stated that the application had been held over from the August 12, 2015 meeting. She noted that the applicant was seeking bulk variances for lot area and lot width, side yard setbacks, lot coverage as well as use variances to permit the demolition of the existing rear condominium unit and the construction of a new single family dwelling.

**2. #LUB-42-15: ROTUNNO (Block 1.31, Lot 29) 32 West Carolina Avenue, Holgate:** Mrs. Sicheri stated that the applicants proposed to elevate the home to the required base flood elevation and to construct a new deck which would extend the deck across the front of the home. Mrs. Sicheri stated that a bulk variance was required for front yard setback.

**3. #LUB-43-15: MOELLER (Block 1.88, Lots 2.04 & 2.05) 123 West Osborn Avenue, Holgate:** Mrs. Sicheri stated that the applicant was seeking minor subdivision and site plan approvals so as to create two new lots. Mrs. Sicheri noted that it was proposed to construct a single

family home on the easterly lot and the westerly lot was proposed for a conservation area. She noted that it should be determined who was to maintain the conservation area and how would it be enforced.

**4. #LUB-37-15: PLOVER LIMITED PARTNERSHIP (Block 10.40, Lot 1) 10909 Long Beach Boulevard, Haven Beach:** Mrs. Sichi stated that the application had been held over from the August 12, 2015 meeting. Mrs. Sichi noted that applicant proposed to subdivide the property into two single family residential building lots as well as vacating an existing fifteen foot alleyway. She noted that bulk variances and waivers were required for lot area and width.

**5. #LUB-44-15: TRIEBENBACHER (Block 7.08, Lot 3) 135 West Maryland Avenue, Beach Haven Terrace:** Mrs. Sichi stated that she had a conflict with the above application and that Mr. Visotcky would represent the Board.

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Minutes of the meeting held September 9, 2015 were presented for approval. **Moran** moved, seconded by **Hummel** for adoption. **Konnor, Leonetti, Hummel, Pingaro, Schnell, VanBuren, Moran and Jones all voted YES.**

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

- 1. #LUB-38-15: GRISSONI – Resolution of Approval moved by Moran, seconded by Pingaro. The following roll call vote was recorded: Konnor, Leonetti, Pingaro, Schnell, VanBuren, Moran and Jones all voted YES.**
- 2. #LUB-39-15: ATALESE/SKOCZYLAS - Resolution of Approval moved by Pingaro, seconded by Konnor. The following roll call vote was recorded: Konnor, Leonetti, Hummel, Pingaro, Schnell, VanBuren, Moran and Jones all voted YES.**
- 3. #LUB-40-15: BOESCHL - Resolution of Approval moved by Moran, seconded by Hummel. The following roll call vote was recorded: Konnor, Leonetti, Hummel, Pingaro, Schnell, VanBuren, Moran and Jones all voted YES.**
- 4. #LUB-41-15: SEVRET - Resolution of Approval moved by Moran, seconded by Pingaro. The following roll call vote was recorded: Konnor, Leonetti, Hummel, Pingaro, Schnell, VanBuren, Moran and Jones all voted YES.**

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

(1) #LUB-37-15 HAVEN BEACH

**PLOVER LIMITED PARTNERSHIP**

Owner and Applicant

Block 10.40, Lot 1

**Ms. Deidre Martin, Esquire represented the applicant and evidence was marked as follows:** Application and Attachments, including list of exhibits: (A thru I) photographs, (J) map showing lot location, (K) Atlantic City Electric book page and (L) Continuation of application, **#A-1**, Minor Subdivision Map prepared by Horn, Tyson & Yoder, Inc. dated November 4, 2014 with the latest revision date July 20, 2015, **#A-2**, Architectural drawing prepared by Joseph A. Courter Jr., AIA dated June 24, 2015, **#A-3**, Revised Application and Attachments, including exhibits: (M) Recorded Land Conveyance Agreement for the purchase of lot 1 Block 10.41's portion of the vacated alley, and (N)- copy of the Ordinance vacating the 15" alley, **#A-4**, Minor Subdivision Map prepared by Horn, Tyson & Yoder, Inc. dated November 4, 2014 with the latest revision date of September 17, 2015, **#A-5**, Two Page Architectural drawing prepared by Joseph A. Courter Jr., AIA dated August 5, 2015, **#A-6**, and, review letter to the Board by Frank J. Little, Jr., P.E., Board Engineer dated October 7, 2015, **#A-7**. Ms. Martin stated that the proposed minor subdivision included a fifteen foot alleyway. Ms. Martin stated that the town had been approached regarding the vacation of the alleyway and that it had been vacated pursuant to Ordinance #15-36. Ms. Martin stated that the neighboring property owner had agreed to sell their portion of the alleyway to the applicant.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc.** was sworn and described the proposed subdivision to the Board. Mr. Brzozowski stated that the lot currently contained three buildings that would be demolished and noted that variances were required for lot frontage and area. He addressed Mr. Little's review letter and noted that the proposed buildings would meet all bulk requirements. Mr. Brzozowski noted that since the lot was located in the commercial zone the subdivision formula did not apply, and that all the surrounding lots were residential.

**The Public Session was closed.**

Ms. Martin requested that the application be approved as submitted, noting that the applicant had acquired additional property to make the lots more conforming and that the free flow of light and air to the property would be improved. She stated that the proposed homes were more in line with the neighborhood than the existing structures.

The Board felt that proposal would reduce the intensity of usage of the property and would fit well into the neighborhood. They noted that the applicant had purchased the neighbors half of the vacated alleyway to make the subdivision more conforming.

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

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(2) **#LUB-43-15** **HOLGATE**

**PATRICK S. MOELLER**  
Owner and Applicant  
Block 1.88, Lots 2.04 & 2.05



**Mr. Reginald J. Raban, Esquire represented the applicant and additional evidence was marked as follows:** Revised Variance Plan prepared by PDS Professional Design Services, LLC dated September 9, 2015, #A-5, revised three page Architectural drawings prepared by Adamson Riva & Lepley Architects, AIA dated October 1, 2015, #A-6 and, letter from condominium owners, Karen Milano and Christine Czernik confirming ownership of Unit A and that they had no objection to the application, dated September 14, 2015, #A-7. Mr. Raban stated that the application had been carried from the August 12, 2015 meeting and that the architectural plans had been modified due to that meeting.

**Mr. Joseph Adamson, Licensed Architect with the firm Adamson Riva & Lepley Architects, AIA** was sworn and described the proposed architectural plans to the Board. He noted that the southerly side of the existing home encroached into the neighboring property. He stated that the proposed structure would have improved setbacks as well as reduced lot coverage. Mr. Adamson stated that the original design had been reduced and that a rear setback of 3.1 feet was now proposed to allow window openings to be located in that wall. Mr. Adamson stated that the proposed new structure would be raised on pilings.

**Mr. Ernest Doel, owner of Unit B** was sworn and stated that he had discussed the runoff problem and lack of gutters on Unit A with the owners. He stated that the problem will be corrected. The Board noted its concern with getting the problem corrected.

The Board discussed how access would be gained to the rear of the property to construct the home.

**Ms. Maureen Mulholland owner of adjoining property, 1211 Long Beach Boulevard** was sworn.

**(Tape #607 – Side 3)**

Ms. Mulholland stated that when the building in the front was erected, nothing had been done to contain the runoff. She stated that as a result, her property floods and was concerned that the construction of another dwelling would impact her property further. She stated that she had no objection to the project as long as it is done in a proper manner, with proper drainage.

**The Public Session was closed.**

Mr. Raban requested that the application be approved with the conditions that the gutters and leaders be installed on both units, that the property be graded so water flows to the street and that a retaining wall be installed if necessary to keep water off of the adjoining property.

The Board agreed that the conditions should be part of the approval.

**Leonetti moved, seconded by Southwick to approve the application with the conditions that a retaining wall is added to the satisfaction of the building office, that gutters and leaders fed into a recharge system be added on unit A before the permit is issued and on unit B before the C.O. is issued.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Schnell, Southwick, and VanBuren** all voted **YES**. **Pingaro** voted **NO**. **The motion carried.**

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**Mr. Hummel rejoined the Board.**

**(4) #LUB-42-15 HOLGATE**

**THOMAS L. AND RENATE ROTUNNO**  
Owners and Applicants  
Block 1.31, Lot 29

**Mr. Richard P. Visotcky, Esquire, represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1**, Variance Plan prepared by Horn, Tyson & Yoder dated September 26, 2014 with the latest revision date of June 12, 2015, **#A-2**, and, four page Architectural plans prepared by Jay Madden Architect dated August 20, 2015, **#A-3**. Mr. Visotcky stated that the applicant proposed to raise the existing home and requesting that the deck be allowed to be extended across the front of the structure. Mr. Visotcky stated that the proposal would extend the existing nonconforming front yard setback. He noted that parking would not be impacted and that the proposed lot coverage was below that which is allowed.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc.** was sworn and described the existing conditions of the property to the Board and what was proposed. Mr. Brzozowski stated that the one story, open deck would fit into the neighborhood. Mr. Brzozowski stated that the front stairs would be removed and relocated to the side of the home. Mr. Visotcky submitted photographs of the property, marked **#A-4** which Mr. Brzozowski described to the Board. He noted that the large yard on the side of the home allowed for plenty of parking.

**The Public Session was closed.**

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

The Board felt that the deck was an attractive addition to the home but would like a stipulation that the deck never be enclosed.

**Southwick moved, seconded by Moran to approve the application with the stipulation that the deck never be enclosed.** The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Pingaro, Schnell, Southwick, VanBuren and Moran** all voted **YES**.

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**The Board took a 5 minute recess.**

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

**Mrs. Sichei stepped down from the Board and Mr. Richard Visotcky, Esquire, joined the Board for the following application:**

**(Tape #607 - Side 4)**

**GEORGE TRIEBENBACHER**

Owner and Applicant  
Block 7.08, Lot 3

**Mr. Reginald J. Raban, Esquire, represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1**, Survey prepared by DPCSS Land Surveyors dated January 30, 2015, **#A-2**, Variance Plan prepared by East Point Engineering, LLC dated July 30, 2015, **#A-3**, Nine page Architectural drawings prepared by Robert Stack Architect dated July 30, 2015, **#A-4**, and, Variance Plan prepared by East Point Engineering, LLC submitted September 22, 2015, **#A-5**. Mr. Raban stated that the applicant proposed to demolish and rebuild the existing duplex which required a bulk variance for front yard setback as well as a special reasons variance since a duplex structure was proposed. Raban stated that the existing duplex could be renovated in place but a new structure with a staggered front would have an aesthetic benefit. Mr. Raban felt that a renovation would not be as pleasing to the neighborhood as what was proposed.

**Mr. Robert Stack, Architect** was sworn and described the proposed plans to the Board. Mr. Stack submitted a poster board of the existing conditions, marked **#A-6** and a rendering of the proposed structure, marked **#A-7**. Mr. Stack noted that the proposed side by side duplex would be elevated well above flood elevation and that parking would be provided below the structure. Mr. Stack described the submitted rendering.

**Mr. George Triebenbacher, owner** was sworn and testified that he felt that the proposed home would be an improvement over the existing duplex and comparable to other homes in the area. He noted that with the staggered design, the home would be open under the front of the lower easterly unit, versus the wall that exists today. He stated that the structure had been damaged by Super Storm Sandy. Mr. Raban stated that it was significant that there was not a wall all the way to the ground as currently existed and that the garage doors would be set back twenty feet on the new structure.

**(Tape #608 - Side 5)**

**Ms. Kathleen M. O'Hara of 130 W. Maryland Avenue**, across the street from the subject property, was sworn and voiced her concerns with the proposed front yard setback and the size of the proposed duplex.

**The Public Session was closed.**

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

The Board noted that a portion of the home would be further from the street, was aesthetically pleasing and would an improvement to the neighborhood.

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

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**Mr. Visotcky stepped down from the Board and Mrs. Sicheri re-joined the Board for the remainder of the evening.**

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Under **New Business**, the Board discussed proposed Ordinances, 15- 43C, 15-44C, 15-46C, 15-47C and 15-48C. The Board noted that they were in agreement with all of the proposed changes with the exception of proposed Ordinance #15-44C. The Board was in agreement with Ordinance #15-44C with the exception that it was requested that no reductions be made to the current parking requirements. The Board approved of the Ordinances, with the parking exception, by voice vote.

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The Board discussed the 2016 meeting dates and approved of the meeting dates as proposed.

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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 9:25 P.M.

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

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