

**BRANT BEACH, NEW JERSEY
NOVEMBER 9, 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.

Mr. A.P. 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."

Mr. Sicheri swore in Ronald Pingaro as the new Class II member.

Members of the Board present: **J. C. Konnor, J. A. Leonetti, R. R. Monaco, Mayor's Designee, R. Pingaro, D. A. Southwick, R. S. VanBuren and Mrs. L. J. Schnell presiding.**

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

Alternate members of the Board present: **J. J. Ternyila and R. L. Jones.**

Alternate member of the Board absent: **P. M. Moran.**

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

(Tape #504 - Side 1)

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

(1) #LUB-4-11-PFA: MOELLER (Block 13.05, Lots 1.01 & 1.03) 8601 & 8611 Long Beach Boulevard, Brighton Beach: Mr. Sicheri stated that the applicant proposed to subdivide the property into three lots, two proposed for residential use and one lot proposed for commercial use. Mr. Sicheri noted that the application was on remand from the Superior Court. He stated that the Board had previously denied the application over deed restrictions

and that the applicant had made some effort to have those restrictions removed but that had not yet been accomplished.

(2) #LUB-23-11: MUHR (Block 15.74, Lot 2.02) 7 East 53rd Street, Brant Beach: Mr. Sicheri stated that the applicant proposed to extend the existing front deck by 11.70 feet. Mr. Sicheri noted that bulk variances were required for lot coverage and front yard setback.

(3) #LUB-24-11: ZIMAN DEVELOPMENT, INC. (Block 18.95, Lots 1.02 and 1.03) 1095B and 1095C Long Beach Boulevard, North Beach: Mr. Sicheri noted that the applicant proposed to consolidate two lots and relocate the turnaround, which would amend a prior subdivision granted by the Planning Board.

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

1. **#LUB-14-11-PF: WOOLLEY** – Resolution of Approval moved by **VanBuren**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Schnell, VanBuren and Ternyila all voted YES.**
2. **LUB-20-11: DESAVINO** – Resolution of Interpretation moved by **VanBuren**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Schnell, VanBuren and Jones all voted YES.**
3. **LUB-21-11: MILES** – Resolution of Approval moved by **VanBuren**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Schnell, VanBuren, Ternyila and Jones all voted YES.**
4. **LUB-22-11: D’ALCONZO** – Resolution of Denial moved by **VanBuren**, seconded by **Konnor**. The following roll call vote was recorded: **Konnor, Leonetti, Schnell, VanBuren and Ternyila all voted YES.**

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

(1) **#LUB-4-11-PFA BRIGHTON BEACH**

PATRICK S. MOELLER
Owner and Applicant
Block 13.05, Lots 1.01 & 1.03

Mr. Reginald J. Raban, Esquire represented the applicant. Mr. Raban stated

that a full application would be presented. Evidence was marked as follows: Application and attachments, #A-1, Order of temporary remand from Vincent J. Grasso, A.J.S.C., #A-2, Consent to Vacation of Deed Restriction between Andrew and Tracey Wetmore and Patrick Moeller, #A-3, Consent to Vacation of Deed Restriction between Randy and Judy Spring and Patrick Moeller, #A-4, Consent to Vacation of Deed Restriction between Richard Corsetto and Patrick Moeller, #A-5, Consent to Vacation of Deed Restriction between Ellen DePalma and Patrick Moeller, #A-6, two page Minor Subdivision and Major Site Plan prepared by Horn, Tyson and Yoder, Inc, dated November 22, 2010, #A-7, three page architectural drawing prepared by Studio Tagland Designs, L.L.C., dated February 9, 2011 as to proposed lot 1.04, #A-8, two page architectural drawing prepared by Studio Tagland Designs, L.L.C., dated February 9, 2011 as to proposed lots 1.01 and 1.03, #A-9, and, review letter to Board by Frank J. Little, Jr., P.E., dated November 2, 2011, #B-1. Mr. Raban stated that the applicant was requesting a three lot minor subdivision with one lot (from street to street) proposed as a commercial use and two residential lots proposed behind the commercial lot. Mr. Raban stated that there were forty property owners within 200 feet of the subject property and to date he had acquired twenty-seven of the Consent to Vacation Deed Restrictions that had been required to remove the commercial restriction on the property.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing property and the proposed subdivision to the Board. Mr. Brzozowski stated that all three lots were required to have six thousand square feet in area and therefore required variances. Mr. Brzozowski stated that the proposed building would comply with all bulk requirements and that the proposed residential lots conformed to the majority of the lots in the neighborhood. Mr. Brzozowski addressed the points of the Board Engineer's review letter and discussed the proposed site plan. Mr. Brzozowski did not feel that the proposal would have a negative impact on the neighborhood.

Mr. William C. Tagland, Licensed Architect in the state of New Jersey was sworn and described the proposed architectural plans to the Board. Mr. Tagland stated that the design of the buildings allowed for light and air around the buildings. Mr. Tagland submitted artistic renderings of the proposed buildings marked, #A-10 and #A-11. The Board discussed the trash location and means of disposal.

(Tape #504 – Side 2)

Mr. Little discussed the intent of the Master Plan.

The Public Session was closed.

Mr. Raban stated that the application proposed a nice transition from the commercial building in the front to the two proposed residential lots towards the rear. Mr. Raban stated that the Board had to keep in mind the difficulty of maintaining commercial property on the Island. He noted that the benefit to be derived by granting the variances outweighed the detriment of the lot sizes. Mr. Raban stated that the Board could impose a condition to quiet the title regarding the deed restrictions.

The Board did not see the merit in the three lot proposal which would create a thirty-five

foot wide commercial lot and two residential lots of thirty-seven hundred and fifty square feet. The Board did not feel that the proposal was appropriate for the area and noted that the lots were nowhere near conformity.

Mr. Raban asked to hold the application over to the January 2012 meeting. Mr. Sichi stated that the application was under Order of Remand and under that order the application could not be carried indefinitely. He noted that the Judge's consent would need to be obtained. The Board felt that the application should be brought to a vote.

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

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The Board took a five minute recess.

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

(2) #LUB-23-11 BRANT BEACH

ELAINE MUHR
Owner & Applicant
Block 15.74, Lot 2.02

Mr. Reginald J. Raban, 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 June 27, 2011, #A-2, drawing of the proposed deck dated August 8, 2011, #A-3, and two photographs of the property, #A-4. Mr. Raban stated that the proposal required bulk variances to extend the existing nonconforming setback from the street and for lot coverage which would exceed the allowable coverage by one percent.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and submitted additional photographs of the property, marked #A-5. Mr. Brzozowski described the existing property and noted that the applicant proposed to extend the existing deck across the full width of the home. Mr. Brzozowski noted that the deck would not interfere with the access to the garage.

Mr. Gregory Thomas Muhr, son of the applicant was sworn and testified that they would be willing to bring the existing staircase up to code. Mr. Muhr stated that the existing deck was in poor shape and the extra space would accommodate his father's wheelchair.

Mr. Brzozowski stated that the request was minimal.

The Public Session was closed.

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

The Board felt that the proposal would make the home more attractive and more usable.

VanBuren moved, seconded by Konnor to approve the application with the condition that the stairs be brought up to code. The following roll call vote was recorded: Konnor, Leonetti, Monaco, Pingaro, Schnell, VanBuren, Ternyila and Jones all voted **YES**.

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Mrs. Schnell and Mr. VanBuren stepped down from the Board for the remainder of the meeting.

(Tape #505 – Side 3)

(3) #LUB-24-11 NORTH BEACH

D'NA SCHWERZEL
Owner
ZIMAN DEVELOPMENT, INC.
Applicant
Block 18.95, Lots 1.02 & 1.03

Mr. Howard Butensky, Esquire, represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Deed – Book 2044/Page-433 transferring ownership to Arthur E. and May F. Schwerzel dated February 6, 1960, **#A-2**, Minor Subdivision Map prepared by Horn, Tyson and Yoder, Inc., dated September 7, 2011, **#A-3**, Review letter to the Board by Frank J. Little, Jr., P.E. dated November 2, 2011, **#B-1**, copy of Resolution #3-92 from prior subdivision, **#B-2**. Mr. Butensky submitted poster boards of site conditions now and proposed, marked **#A-4** and a color coded subdivision map, marked **#A-5**. Mr. Butensky stated that the application was to resubdivide the prior major subdivision which created a three lot subdivision. He noted that it was proposed to consolidate the second and third lots and that the proposed consolidation would have an impact on the easements and turnaround.

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. Mr. Brzozowski stated that the applicant proposed to relocate the turnaround to the east side of the westerly property line of the consolidated lot so that it would not encumber any development. Mr. Brzozowski stated that the access easement would be removed from the lot but that the utility and walkway easements would remain. Mr. Brzozowski noted that there would be one home on the proposed consolidated lot which would conform to the requirements for a single family home.

Mr. Michael Ziman, Applicant was sworn and testified that a single family residence was proposed for the property.

The Public Session was closed.

Mr. Little stated that the application was straightforward and noted that if CAFRA approval was not obtained the applicants would not file the subdivision.

The Board noted that it was unusual to see a merger of lots and would be in favor of the application.

Ternyila moved, seconded by Leonetti to approve the application as submitted. The following roll call vote was recorded: Konnor, Leonetti, Monaco, Pingaro, Ternyila and Jones 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 9:25 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN