

**BRANT BEACH, NEW JERSEY
NOVEMBER 13, 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.

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

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

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

Alternate member of the Board present: **P. M. Moran, R. L. Jones and E. J. Hummel.**

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

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

(Tape #547 - Side 1)

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

(1) #LUB-39-13-PF: MILLER (Block 15.141, Lot 1 and Block 15.145, Lot 1) 3201 and 3301 Long Beach Boulevard, Brant Beach: Mr. Sicheri stated that the applicants proposed to demolish the existing structures on the property. He noted that the applicants were requesting preliminary and final major site plan, special reasons and bulk variance approval so as to permit the construction of a three story multi-family building containing five condominium units on each of the two lots.

(2) #LUB-40-13: ZIMAN DEVELOPMENT, INC. (Block 15.06, Lot 9) 7213 Ocean

Boulevard, Brant Beach: Mr. Sicheri stated that the applicants proposed to demolish the existing single family home and construct a new single family dwelling which required a bulk variance for side yard setback. He noted that the proposed construction would eliminate two existing nonconformities.

(3) #LUB-41-13: BLEAM (Block 6.44, Lot 10) 108 West Delaware Avenue, Beach Haven Gardens: Mr. 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 lot area and width. Mr. Sicheri noted that the structure had been demolished due to storm damage and that the application would have to be treated as an undersized lot case.

(4) #LUB-42-13: MARTELL (Block 4.34, Lot 5) 1816 Waverly Avenue, North Beach Haven: Mr. Sicheri noted that the applicant proposed to demolish the existing single family home and construct a new single family home which required bulk variances for lot coverage, side yard setback, combined side yard setback and distance between structures.

(5) #LUB-43-13: DALE (Block 23.04, Lots 15 and 16) 41 and 45 Albright Road, High Bar Harbor: Mrs. Schnell announced that the application would not be heard due to insufficient notice and would be carried to the December 11, 2013 meeting.

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Minutes of the meeting held September 11, 2013 were presented for approval. **Moran** moved, seconded by **VanBuren** for adoption. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Schnell, VanBuren, Moran, Jones and Hummel all voted YES.**

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

1. **#LUB-33-13: RYAN** – Resolution of Denial moved by **Moran** seconded by **VanBuren**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, VanBuren and Moran all voted YES.**
2. **#LUB-34-13: BARD** – Resolution of Approval moved by **VanBuren**, seconded by **Moran**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, VanBuren and Moran all voted YES.**
3. **#LUB-35-13: ZOLADZ** – Resolution of Approval moved by **Moran**, seconded by **VanBuren**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, VanBuren and Moran all voted YES.**
4. **#LUB-36-13: BROWNING** – Resolution of Approval moved by **Moran**, seconded by **VanBuren**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, VanBuren and Moran all voted YES.**
5. **#LUB-37-13: McBURNIE, CAVANAUGH AND REDDY** – Resolution of Approval

moved by **Moran**, seconded by **Leonetti**. The following roll call vote was recorded: **Konnor, Leonetti, Pingaro, Schnell, VanBuren and Moran all voted YES.**

6. **#LUB-38-13: RILEY** – Resolution of Approval moved by **Moran**, seconded by **VanBuren**. The following roll call vote was recorded: **Konnor, Pingaro, Schnell, VanBuren and Moran all voted YES.**

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

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

(1) **#LUB-40-13** BRANT BEACH

ZIMAN DEVELOPMENT, INC.

Applicant

JAMES D. & EDDA M. PALMER

Owners

Block 15.06, Lot 9

Mr. Howard Butensky, 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 10, 2013, **#A-2**, six page architectural plan prepared by Robert Stack, Architect, dated September 19, 2013, **#A-3**, and revised application received from Mr. Butensky, dated October 23, 2013, **#A-4**. Mr. Butensky submitted photos of the existing structure, marked **#A-5**, the proposed development, marked **#A-6** and a rendering of the proposed structure, marked **#A-7**. Mr. Butensky stated that it was proposed to demolish the existing structure and construct a new single family home on the oceanfront lot. Mr. Butensky stated that the width of the new structure would be reduced, eliminating two existing nonconformities. Mr. Butensky stated that the applicant was seeking a bulk variance for side yard setback.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing conditions of the property to the Board. Mr. Brzozowski stated that a CAFRA permit was pending for the proposal. Mr. Brzozowski submitted an aerial photograph of the property, marked **#A-8**. Mr. Butensky stated that the proposed structure would be built forward on the property which would create more open space.

Mr. Michael Ziman, Applicant was sworn and testified that the rendering was substantially similar to the house that would be constructed.

Ms. Nancy Tesoro of 7208 Ocean Boulevard was sworn and discussed her concerns with the proposed setback and fire safety.

The Public Session was closed.

Mr. Butensky stated that the applicant was making the proposed structure more conforming and noted that with greater distance between structures there would be improved fire safety. He requested that the application be approved as submitted.

The Board approved of the proposal noting that the moving the house forward on the lot would create more open space.

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

Mr. Jones rejoined the Board.

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(2) #LUB-41-13 BEACH HAVEN GARDENS

MARK H. & GERALDINE BLEAM

Owners and Applicants

Block 6.44, Lot 10

Mr. Mark H. Bleam, represented himself, was sworn and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Horn Tyson and Yoder, Inc., dated June 17, 2013, **#A-2**, and, five page architectural plan prepared by Michael Pagnotta, Architect, dated July 17, 2013 **#A-3**. Mr. Bleam stated that the structure on the lot had been substantially damaged by Super Storm Sandy. He stated that upon evaluation of the home it was determined that the home should be demolished and a new home constructed. Mr. Bleam noted that the proposed home would be conforming and that variances were required for lot area and width.

Mr. Bleam stated that the properties on either side of his property were developed and that there was no land available from either property to alleviate his hardship.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and stated that the proposed plan eliminated four pre-existing nonconformities that existed with the prior home.

Mr. Randolph Laurence Roberts, adjoining neighbor testified that he did not wish to purchase the applicants' property and that he was in favor of the application.

(Tape #547 – Side 2)

The Public Session was closed.

The Board stated that the proposed home was attractive and would be an asset to the neighborhood. The Board noted that it was commendable that the home was designed for the

small lot without the need for any other bulk variance relief.

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

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(3) #LUB-42-13 NORTH BEACH HAVEN

RICHARD MARTELL

Owner and Applicant

Block 4.34, Lot 5

Mr. Richard Martell, represented himself, was sworn and evidence was marked as follows: Application and Attachments, #A-1, and, zoning plans for proposed elevated single family detached dwelling submitted by Stonefield Engineering and Design, LLC, dated September 6, 2013 consisting of three sheets, #A-2. Mr. Martell stated that the home was destroyed by Super Storm Sandy and it was determined that it was not feasible to raise the house. Mr. Martell stated that they proposed to build an elevated ranch house.

Mr. Jeffrey Martell, P.E. with the firm of Stonefield Engineering and Design, LLC was sworn and testified that it was proposed to build a one story house with a lift for ease of access for the applicant due to medical reasons. Mr. Martell stated that the proposal required variances for lot coverage, setbacks and distance between structures and were due to the design of the home that had all living area on one floor.

The Board discussed the proposed plans and stated their concerns with the proposed lot coverage.

Mr. Martell requested that the application be carried to revise the plans.

Ms. Bridget Ann Cramer, adjacent neighbor was sworn and testified that she would like the house to comply with the zoning regulations.

Mr. Tom Coster of 1815 Waverly Avenue was sworn and testified that they were also rebuilding and that they had complied with the setbacks.

Mr. Jane Levin of 1806 Waverley Avenue was sworn and testified that she was not in favor of the proposal.

The Public Session was closed.

The Board voted, by voice vote to carry the application to the January 8, 2014 meeting. Mr. Sicheri announce that the application would be carried to the January 8, 2014 meeting and that no further notice was required.

The Board took a five-minute recess.

(Tape #548 – Side 3)

(4) #LUB-39-13 BRANT BEACH

DONALD & MARY MILLER

Owners and Applicants
Block 15.141, Lot 1 and
Block 15.145, Lot 1

Mr. Arnold C. Lakind, Esquire, with the firm of Szaferman, Lakind, Blumstein & Blader P.C., Attorneys at Law, represented the applicants and evidence was marked as follows: Land Use Application and Attachments, **#A-1**, Variance Application and Attachments, **#A-2**, Stormwater Management Report prepared by Dante Guzzi, Engineering Associates dated September 5, 2013, **#A-3**, Freedom Condominium Site Plan prepared by Dante Guzzi Engineering Associates consisting of 10 sheets dated September 5, 2013, **#A-4**, three page Architectural Plan prepared by Michael Pagnotta, Architect dated May 7, 2013, **#A-5**, and review letter to Board from Frank J. Little, Jr. P.E., dated October 29, 2013, **#B-1**. Mr. Lakind stated that the proposal was to construct a five unit condominium structure on each lot. Mr. Lakind stated that a use variance as well as bulk variances were also required and he addressed each variance requested.

Mr. Anthony DeRosa, P.E., with the firm of Dante Guzzi Engineering Associates, was sworn and qualified. Mr. DeRosa described the properties and their location to the Board. Mr. DeRosa discussed the proposed buildings, setbacks, parking and access to the units. He addressed the lighting and landscape plans.

The Board discussed their concerns with the items located in the site triangles as well as the access to the units. Mr. DeRosa stated that turning templates of cars making the movement into the driveways could be furnished.

Mr. Michael Pagnotta, Architect was sworn and described the proposed plans to the Board. Mr. Pagnotta submitted an artistic rendering of the units to the Board, marked **#A-6**. The Board discussed the plans with Mr. Pagnotta. Mr. Little discussed the lot coverage with Mr. Pagnotta. He stated that if the lot coverage were brought into conformity by taking seven and a half feet off the building along the alleyway, it would improve the maneuverability of cars in the alleyway.

The Board discussed the parking and the size of the proposed building.

Mr. Lance Langraf, Professional Planner of Marathon Engineering, was sworn and qualified.

(Tape #549 – Side 4)

Mr. Langraf discussed the conditional use criteria. He noted that impervious coverage would be reduced and discussed the proposed setbacks. Mr. Langraf discussed the variances requested and the negative criteria. The proposed density was discussed.

Mr. Lakind addressed Mr. Little's review letter.

Mr. Anthony DeFeciani of 7 East 34th Street was sworn and testified that he was not in favor of the application as presented citing his concerns with rental potential, parking and emergency vehicle access.

Mr. Elliot Lasky of 6 East 33rd Street was sworn and testified that he was not in favor of the application.

Mrs. Bonnie Lasky of 6 East 33rd Street was sworn and testified that she was concerned about the state of the present building.

(Tape #549 – Side 5)

Mr. Eric Paul Guissler of 9 East 33rd Street was sworn and testified that he was not in favor of the application and noted that he felt that the proposal did not fit in with the neighborhood.

Mr. Kenneth Battinger of 6 East 34th Street was sworn and stated his concerns with the parking and the density.

Mr. William West of 12 East 33rd Street was sworn and testified that he was not in favor of the application citing his concern with parking.

Ms. Susan Stewart of 9 East 33rd Street was sworn and testified that she was not in favor of the application and stated her concerns with the access to the units and the alleyway.

Ms. Hope Gardner of 11 East 34th Street was sworn and testified that she was not in favor of the application citing her concerns with density, parking and the impervious surface.

Ms. Pat Bielow of 15 East 32nd Street was sworn and testified that she was not in favor of the application.

Mr. Paul Vanderbeck of 18 East 32nd Street was sworn and testified that he was not in favor of the application as submitted.

The Public Session was closed.

Mr. Lakind stated that he no longer intended to ask the Board to hold the application over and that he was now requesting that the Board take the application to a vote. He noted that after presenting the application and hearing the comments that they were going to come back

with a different application.

The Board noted that they felt that the proposal was overdevelopment of the property and that the applicant had not complied with the required conditions of a conditional use.

Moran moved, seconded by Applegate to deny the application as submitted. Applegate, Konnor, Leonetti, Pingaro, Schnell, VanBuren and Moran all voted **YES**.

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The Board took a five-minute recess.

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The Board approved of the 2014 meeting dates by voice vote.

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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 10:25 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN