

BRANT BEACH, NEW JERSEY

November 12, 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: **J. C. Konnor, J. A. Leonetti, E. J. Hummel as Mayor’s Designee, D. A. Southwick, R. S. VanBuren and Mrs. L. J. Schnell presiding.**

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

Alternate member of the Board absent: **P. M. Moran, R. L. Jones and R. Andreotta.**

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

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(Tape #609 - Side 1)

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

1. #LUB-46-15: EMERY (Block 7.12, Lot 3) 147 East Maryland Avenue, Beach Haven Terrace: Mrs. Sicheri stated that the application would be carried to the December 9, 2015 meeting due to insufficient notice.

2. #LUB-45-15: DECICCO (Block 10.19, Lot 4.03) 17 West Mississippi Avenue, Haven Beach: Mrs. Sicheri stated that the applicants proposed to extend the rear, first floor deck which required a bulk variance for lot coverage and a rear yard setback to the existing staircase.

3. #LUB-47-15: SEEGER (Block 7.04, Lot 3) 5 East Delaware Avenue, Beach Haven Terrace: Mrs. Sicheri stated that the applicant was proposing to elevate and relocate the existing single family dwelling and to enlarge the existing porch and exterior staircases. Mrs. Sicheri stated that bulk variances were required for lot area and frontage, front and side yard setbacks as well as lot coverage.

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originally built and that the applicants now proposed to incorporate it into the existing deck.

Mr. Leon Tyszka, Surveyor was sworn and described the property to the Board. Mr. Tyszka stated that the proposed deck extension of 7 feet by 9 feet would be 2.1 feet from the end of the home. Mr. Tyszka stated that the construction would look almost the same except that railings and a floor would be installed on the existing pergola. Mr. Tyszka described the photographs that had been submitted with the application.

Mr. Visotcky submitted enlarged photographs of the pergola and deck, marked **#A-4** and **#A-5**. Mr. Tyszka stated that the proposed deck extension was 63 square feet and would require a lot coverage variance. Mr. Tyszka stated that the lot coverage had been calculated to the property line, not the bulkhead line.

Mr. James DeCicco, Owner of the subject property explained the history of the property and noted that the existing home had been built in 2010. He stated that the deck extension would provide a safer condition for exiting the adjacent door.

Ms. Deidre Martin, Esquire, represented Peter and Margaret Campana, owners of adjacent lot 4.02. Ms. Martin submitted the as-built survey supplied by JoAnne Tallon, Zoning Officer, which Ms. Martin had marked up, marked as **#O-1**. Mr. Visotcky noted that it was an unofficial copy. Ms. Martin stated that her clients were objecting to the application noting there was not a hardship, that the lot was not undersized or narrow and that there was not a benefit to the community. She stated that the detriment in approving the variance was granting forgiveness for violations that should not have occurred with regards to the rear decking. The Board discussed the egress of the sliding door and the marked up as-built survey with Ms. Martin. The Board noted that a Certificate of Occupancy was acquired at the time the home was completed. The Board noted that field changes during the course of construction are common and that the building file contained a copy of changes approved for construction, dated July 26, 2010. Ms. Martin discussed the actual building differences and the existing bulkhead with the Board. Mrs. Sicheri stated that the only items before the Board were the lot coverage and the rear yard setback.

(Tape #609 - Side 2)

Mrs. Sicheri noted that CAFRA was not relevant to this application.

Ms. Martin stated that hardship was self created.

Mrs. Margaret Campana, adjacent property owner was sworn and testified that Mr. DeCicco had added another piling after submitting his plan to the Building Office and that the solution was to call it a pergola. She stated that Mr. DeCicco was now before the Board to fix the mistake that he knowingly made.

Mr. Peter Campana, adjacent property owner was sworn and testified as to his concern with the increase in lot coverage.

Mr. John Kazazis of 11412 Sunset Terrace was sworn and testified that he owned the riparian grant along the bay behind the Decicco's property. He stated his objections to the application and noted that Mr. DeCicco's bulkhead was located within his riparian grant. The Board noted that that was not part of the application.

The Public Session was closed.

Mr. Visotcky requested that the application be approved as submitted noting that the increase in lot coverage would be 1.7%. He stated that a floor would be placed on the pergola that already existed. He noted that the structure would be safer and be an aesthetic improvement.

The Board noted that the increase in lot coverage was de minimus and would not be detrimental to the neighborhood. The Board noted that the deck should never be enclosed or covered.

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

(Tape #610 – Side 3)

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(2) #LUB-47-15 BEACH HAVEN TERRACE

PATRICIA SEEGER

Owner and Applicant

Block 7.04, Lot 3

Mr. Charles Petrone, Esquire, represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Plan prepared by Nelke/Tyszka Land Surveyors, LLC dated October 20, 2015, **#A-2**, Four page architectural drawing prepared by Musgnug & Associates, Architects dated October 20, 2015, **#A-3**. Mr. Petrone stated that the home had sustained damage from Super Storm Sandy and that it was now required to raise the structure. He noted that the applicant proposed to center the structure on the lot which would better some existing nonconformities.

Ms. Patricia C. Seeger, Owner of the property was sworn and testified as to the damage the home sustained from Super Storm Sandy. Mrs. Seeger stated that it was required to raise the structure. Ms. Seeger stated that the house would be enhanced by expanding the front porch and providing garage space underneath. She noted that most of the homes in the area were smaller than her home.

Mr. Petrone submitted a photo of the home, marked, **#A-4**.

Mr. Robert Musgnug, Architect was sworn and explained the proposed plans to the Board noting that the home would be centered to improve the existing setbacks.

The Public Session was closed.

It was requested that the application be approved.

The Board noted that the street was in transition and that raising the home would move the house further away from the street traffic. They approved of the proposal to center the home noting that it would create fifteen feet between the main structures.

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

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Under **New Business**, the Board discussed proposed Ordinance **#15-49C**. The Board was in support of the Ordinances as written and approved same, by voice vote.

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The Board approved the payment of the Board Attorneys' and Board Engineer's bills.

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The meeting was adjourned at 8:49 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN