

**BRANT BEACH, NEW JERSEY
JANUARY 18, 2011**

A Special 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 special 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 January 12, 2011 as required by the Open Public Meeting Act."

Members of the Board present: **Commissioner R. H. Bayard, J. A. Leonetti, Mayor J. H. Mancini, D.A. Southwick, R. S. VanBuren and Mrs. L. J. Schnell** presiding.

Members of the Board absent: **Mrs. V. E. Applegate, Mrs. M. P. Cleary, J. C. Konnor and R. R. Monaco, Mayor's Designee.**

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

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

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 Board/Commission and Mrs. B. M. Bielawne, Clerk.**

(Tape #488 - Side 1)

Mrs. Schnell announced that the reorganization of the Board would take place.

Mrs. Sicheri asked for a nomination for **Chairman. Southwick moved, seconded by Mancini to nominate Lynne J. Schnell.** The following roll call vote was recorded: Bayard, Leonetti, Mancini, Southwick, VanBuren and Jones all voted **YES.** Schnell abstained.

Chairman Schnell asked for a motion for **Vice Chairman. Southwick moved, seconded by VanBuren to nominate Jeffrey C. Konnor.** The following roll call vote was recorded: Bayard, Leonetti, Mancini, Schnell, Southwick, VanBuren and Jones all voted **YES.**

Chairman Schnell asked for a motion for **Secretary. Southwick moved, seconded by Mancini to nominate Mary P. Cleary.** The following roll call vote was recorded: Bayard, Leonetti, Mancini, Schnell, Southwick, VanBuren and Jones all voted **YES.**

Chairman Schnell asked for a motion for **Board Attorney. Southwick moved, seconded by Mancini to retain the firm, Sicheri and Sicheri, P.C.** The following roll call vote was recorded: Bayard, Leonetti, Mancini, Schnell, Southwick, VanBuren and Jones all voted **YES**.

Chairman Schnell asked for a motion for **Board Engineer. Southwick moved, seconded by Mancini to retain the firm Owen, Little and Associates Inc.** The following roll call vote was recorded: Bayard, Leonetti, Mancini, Schnell, Southwick, VanBuren and Jones all voted **YES**.

Chairman Schnell asked for a motion for **official newspapers. Southwick moved, seconded by Mancini to retain the Beach Haven Times and Asbury Park Press as the official newspapers.** The following roll call vote was recorded: Bayard, Leonetti, Mancini, Schnell, Southwick, VanBuren and Jones all voted **YES**.

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

(1) #LUB-19-10: BLOCKER (Block 11.37, Lot 11) 105 East Herbert Avenue, Beach Haven Park: Mrs. Sicheri noted that the applicants proposed to demolish the existing duplex structure and construct a new single family home which required bulk variances for combined side yard setbacks and lot coverage.

(2) #LUB-1-11: GROISSER (Block 20.48, Lot 6) 48F Long Beach Boulevard, Loveladies: Mrs. Sicheri stated that the applicants proposed an outdoor kitchen and fire pit. She noted that the pool equipment and the retaining wall had already been constructed. Mrs. Sicheri stated that bulk variances were required for setback from the easement, rear yard setback and setback from the bulkhead. Mrs. Sicheri noted that the applicants would address the existing and proposed lot coverage.

(3) #LUB-2-11: SCHMID (Block 6.17, Lot 5) 115 East 29st Street, Beach Haven Gardens: Mrs. Sicheri noted that the applicants proposed additions and renovations to the northerly and easterly side of the existing single family home as well as to construct a garage. Mrs. Sicheri noted that a variance was required from the section of the ordinance that required side yards total at least thirty percent of the lot frontage. She stated that the nonconforming distance between structures was proposed to be extended an additional six feet in a northerly direction and that the nonconforming front yard setback was proposed to be extended twelve feet in an easterly direction.

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Minutes of the meeting held December 8, 2010 were presented for approval. **Bayard** moved, seconded by **Jones** for adoption. The following roll call vote was recorded: **Bayard, Leonetti, Schnell and Jones all voted YES**.

Chairman Schnell listed the following **Resolutions of Memorialization:**

Mr. Little stepped down from the Board for the evening.

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

(1) #LUB-1-11 LOVELADIES

DANIEL AND JULIE GROISSER

Owners & Applicants
Block 20.48, Lot 6

Dr. Daniel Groisser, represented himself and evidence was marked as follows: Application and attachments, **#A-1**, Variance Map prepared by Nelke/Tyszka Land Surveyors, L.L.C., dated November 11, 2010, **#A-2**, Landscape Plan prepared by Planning Design Collaborative, L.L.C., dated August 30, 2010, **#A-3**, and, note to Board by JoAnne Tallon, Zoning Officer, **#B-1**.

Dr. Daniel Groisser, applicant was sworn and stated that he would like to install a fire pit and grill.

Mr. Thomas J. Scangarello, P.P. with the firm of Planning Design Collaborative, L.L.C., was sworn and submitted photographs of the property with a landscape plan, marked **#A-4**. Mr. Scangarello described the size and location of the proposed fire pit and outdoor cooking area. Mr. Scangarello stated that the items would not be a detriment to the neighborhood or have any negative impact on the adjoining property owners. Mr. Scangarello noted that the retaining wall and pool equipment were there when Dr. Groisser bought the property.

Mr. Scangarello discussed the calculations of the lot coverage and impervious coverage. Mr. Scangarello stated that the impervious coverage was now calculated to be seventy-three percent.

Mr. Leon Tyszka, Surveyor with Nelke/Tyszka Land Surveyors, L.L.C. was sworn.

(Tape #488 – Side 2)

The Board discussed the calculations of the lot coverage and asked for spot elevations to determine the percentage of lot coverage. The Board noted that the Landscape Plan and the Variance Map did not match.

Mr. Scangarello requested a continuation of the application.

The Public Session was closed.

Mancini moved, seconded by Southwick to hold the application over, without a fee, to the February 9, 2011 meeting. The following roll call vote was recorded: Bayard, Leonetti, Mancini, Schnell, Southwick, VanBuren and Jones all voted **YES**.

considered, the entire project is before the Board. Mrs. Sicheri noted that there was not a front yard setback variance required but that Mr. Snyder was trying to show that it was not in keeping with the other houses in the neighborhood.

Ms. Mayer stated that the proposed home would block her light and air. Ms. Mayer stated that she would be thrilled with the proposed side yard setbacks if the proposed house was pushed back.

Mr. Snyder addressed his concerns with parking on the subject property.

Mr. Snyder stated that the intention was to maintain a streetscape and that the proposed home would have an effect on the entire block.

The Public Session was closed.

Mr. Spielberg noted that the proposed home would be three feet further away from the neighbor's property and would be a significant upgrade from what existed. Mr. Spielberg stated that a front yard setback variance was not being requested and that the applicants were requesting that house be allowed to be located where it showed on the plan.

The majority of the Board felt that a house could be designed to conform to zoning requirements. They noted their concerns with the proposed front yard setback and the intent of the front yard setback ordinance.

Mancini moved, seconded by Jones to deny the application as submitted. The following roll call vote was recorded: Bayard, Leonetti, Mancini, Schnell, VanBuren and Jones all voted **YES**. Southwick voted **NO**. **The motion carried.**

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(3) #LUB-2-11 BEACH HAVEN GARDENS

THOMAS G. SCHMID AND KAREN KAELIN-SCHMID

Owners & Applicants

Block 6.17, Lot 5

Mr. Thomas G. Schmid and Mrs. Karen Kaelin-Schmid representing themselves, were sworn and evidence was marked as follows: Application and attachments, **#A-1**, Variance Map prepared by Nelke/Tyszka Land Surveyors, L.L.C., dated December 2, 2010, **#A-2**, Three page architectural drawing prepared by Adamson, Riva & Lepley Architects, A.I.A. dated October 22, 2010, **#A-3**, Revised Variance Map prepared by Nelke/Tyszka Land Surveyors, L.L.C., dated December 2, 2010, bearing the latest revision date of January 10, 2011, **#A-4**, and, note to Board by JoAnne Tallon, Zoning Officer, dated December 29, 2010, **#B-1**. Mr. Schmid submitted garage details, marked **#A-5**. Mr. Schmid stated that they proposed to construct an addition six feet towards the rear of the property and twelve feet towards the easterly side of the property. Mr. Schmid noted that the addition would enable them to enlarge their kitchen, add a dining room and family room on the first floor. Mr.

Schmid stated that the intention was to move into the house full time and that his wife is partially handicapped and more comfortable with first floor living.

Mr. Schmid stated that allowing a variance for a combined side yard setback of sixteen feet would allow the proposed family room to be twelve feet wide. Mr. Schmid noted that he also proposed to extend the nonconforming side yard setback by six feet in a northeast direction. Mr. Schmid stated that the extension of the nonconforming front yard setback would still be in alignment with the next two properties to the east.

Mr. Leon Tyszka, Surveyor with Nelke/Tyszka Land Surveyors, L.L.C. was sworn and noted that the variance for distance between buildings was deminimus as it fell short of the required fifteen feet by two and a half inches.

Mr. Joseph Winslow of 124 East 29th Street was sworn and testified that he was in favor of the application.

The Public Session was closed.

The Board approved of the application and the upgrade to the older home.

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

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Under **Discussion**, Mayor Mancini clarified proposed **Ordinance #10-55C**. The Mayor discussed the front yard setback section of the ordinance as it pertained to setbacks to open decks and heated area.

(Tape #489 – Side 4)

The Board discussed the intent of the front yard setback ordinance and the Mayor asked Mrs. Sicheri for suggestions to clarify the ordinance.

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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 9:14 P.M.

LYNNE J. SCHNELL
CHAIRMAN