

**BRANT BEACH, NEW JERSEY  
DECEMBER 8, 2010**

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. Sichei, Board Attorney**, made the following announcement: “This is a regular meeting of the Long Beach Township Land Use Board, notice of which was duly 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, 2010 as required by the Open Public Meeting Act.”

Members of the Board present: **Mrs. V. E. Applegate, Commissioner R. H. Bayard, Mrs. M. P. Cleary, J. C. Konnor, and Mrs. L. J. Schnell presiding.**

Members of the Board absent:, **J. A. Leonetti, Mayor J. H. Mancini, R. R. Monaco, Mayor’s Designee, D.A. Southwick and R. S. VanBuren.**

Alternate members of the Board present: **P. M. Moran, J. J. Ternyila and R. L. Jones.**

Alternate members of the Board absent: **Mrs. G. M. Harle.**

Also present were the following: **Mrs. C.K. Sichei, Esq., Board Attorney, Mr. A. Marshall, P.E., P.P., Board Engineer and Mrs. L.C. Krueger, Secretary Board/Commission.**

(Tape #486 - Side 1)

Mrs. Sichei 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. Sichei announced that the application would not be heard as the notice was not sufficient.
- 2. #LUB-17-10: ZOFFINGER (Block 8.17, Lots 24 & 24.01) 12002 N. Old Whaling Lane, Dunes:** Mrs. Sichei stated that the applicants proposed to retain an existing fire pit and fence. She noted that bulk variance approval was required to retain the six foot high solid fence between the bulkhead and the building setback line where fifty percent opacity was required and to retain the fire pit which required a variance for setback from the bulkhead.
- 3. #LUB-20-10: GRADO (Block 4.02, Lot 8) 1214 Beach Avenue, North Beach Haven:** Mrs. Sichei stated that the applicants proposed the construction of an inground pool which

required a bulk variance for distance between structures.

**Mr. Leonetti joined the Board.**

**4. #LUB-21-10-PF: DOUBLE A REAL ESTATE, L.L.C. (Block 6.32, Lot 10) 13501 Long Beach Boulevard, Beach Haven Gardens:** Mrs. Sicheri stated that the applicant was seeking preliminary and final site plan approval for additions and renovations to the building that contained Fritzie’s Wine and Liquors. Mrs. Sicheri noted that the applicant proposed to construct a one story addition on the southerly side of the building and required a bulk variance for impervious surface and a waiver from providing normal site plan detail.

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Minutes of the meeting held November 10, 2010 were presented for approval. **Ternyila** moved, seconded by **Applegate** for adoption. The following roll call vote was recorded: **Applegate, Konnor, Schnell, Moran, Ternyila and Jones all voted YES.**

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

**1. #LUB-18-10: HATZ** – Resolution of Denial moved by **Moran** seconded by **Applegate**. The following roll call vote was recorded: **Applegate, Konnor, Schnell, Moran, Ternyila and Jones all voted YES.**

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**Chairman Schnell noted the following applications to be considered:**

(1) #LUB-17-10 DUNES

**GEORGE AND JUDY ZOFFINGER**

Owners & Applicants

Block 8.17, Lots 24 and 24.01

**Mr. George Zoffinger representing himself, was sworn and evidence was marked as follows:** Application and attachments, **#A-1**, Variance Map prepared by Horn, Tyson and Yoder, Inc., dated January 7, 1987, bearing the latest revision date of September 2, 2010, **#A-2**, three photographs of the property, **#A-3** and, memo to Board from JoAnne Tallon, Zoning Officer dated November 15, 2010, with attachments, **#B-1**. The applicants were requesting that the fire pit and fence be allowed to remain as-built.

Mr. Zoffinger submitted a notarized letter addressed to JoAnne Tallon, Zoning Officer acknowledging that the pool filter and pavers had been installed over the drainage easement and stated that he would be responsible for any repairs should work have to be done in the easement. The letter was marked **#A-4**.

Mr. Zoffinger stated that he had replaced an existing wood deck with pavers and that the contractor had not obtained the required building permits. Mr. Zoffinger stated that the solid fence provided privacy for his property as well as the neighboring property.

Mrs. Sicheri noted that Ms. Tallon's letter addressed whether a coverage variance would be required. Mr. Zoffinger stated that he was amending his application to request that the paver patio be allowed to remain as it was built. Mr. Zoffinger stated that no one was negatively impacted by the placement of the fire pit.

**Mr. Richard Ferguson, 12102 Old Whaling Lane, adjacent neighbor to the south,** was sworn and testified that he was in favor of the application.

**The Public Session was closed.**

While the Board was in favor of the application, they felt that an as-built survey should be required to ascertain whether the lot coverage exceeded what was allowed in the zone.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and testified that he would provide an as-built survey with the lot coverage calculation.

**Moran moved, seconded by Leonetti to approve the amended application with the condition that an as-built survey with a calculation as to the lot coverage and a final inspection be obtained.** The following roll call vote was recorded: Applegate, Bayard, Cleary, Konnor, Leonetti, Schnell, Moran, Ternyila and Jones all voted **YES**.

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(2) #LUB-19-10 BEACH HAVEN PARK

**ROBERT AND CHRISTINE BLOCKER**  
Owners & Applicants  
Block 11.37, Lot 11

Mrs. Schnell announced that the application would be heard at the January 12, 2011 meeting. Mrs. Sicheri stated that no further notice would be given.

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(3) #LUB-20-10 NORTH BEACH HAVEN

**JOHN AND LORETTA GRADO**  
Owners & Applicants  
Block 4.02, Lot 8

**Mr. Mark Abramson with the firm of Kelly & Visotcky, L.L.C. represented the applicants and evidence was marked as follows:** Application and attachments, #A-1, Variance Map prepared by Horn, Tyson and Yoder, Inc., dated August 5, 2010, #A-2, and rendering of "Twin Cove" proposed pool, #A-3. Mr. Abramson stated that the applicants proposed an inground pool.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and described the existing property to the Board. Mr. Brzozowski stated that the proposed location of the pool was on the westerly side of the property. Mr. Brzozowski stated that they were seeking a variance to allow the pool to be installed three feet from the principle structure where five feet was required. Mr. Brzozowski submitted photographs of the property, marked #A-4. Mr. Brzozowski stated that the installation of the pool would not affect either the structural integrity of the pool or house or cause a safety problem.

The Board noted the close proximity of the existing air conditioner compressor to the proposed pool.

**Mr. Jeff Kline of Kline Brothers Landscaping was sworn and qualified.** Mr. Kline stated that the air conditioning platform and pool equipment could be moved and not be located within the three foot setback from the building. The Board noted that they wanted the three feet between the pool and the building to remain clear.

**(Tape #486 – Side 2)**

The Board discussed the safety of the proposed four foot high chain link fence. The Board felt that the fence should be six feet high with the lower five feet to be solid and the remaining foot to be fifty percent open.

**The Public Session was closed.**

The Board was in favor of the application but noted that the three foot section between the principle structure and pool needed to remain clear and that a six foot fence should be installed, both for safety reasons.

**Moran moved, seconded by Applegate to approve the application with the conditions that the three foot walk remain clear and that a six foot fence with the top foot of the fence to remain fifty percent open be installed around the pool area.** The following roll call vote was recorded: Applegate, Bayard, Cleary, Konnor, Leonetti, Schnell, Moran, Ternyila and Jones all voted **YES**.

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**(4) #LUB-21-10-PF BEACH HAVEN GARDENS**

**DOUBLE A REAL ESTATE, L.L.C.**

Owner and Applicant

Block 6.32, Lot 10

**Mr. Reginald J. Raban, Esquire, represented the applicant and evidence was marked as follows:** Application and Attachments, #A-1, Site Plan prepared by Horn, Tyson and Yoder, Inc., dated July 1, 2010, #A-2, three page drawing prepared by Michael H. Strunk, Architect, L.L.C. dated September 20, 2010, #A-3, review letter to Board from Frank J. Little, Jr., P.E., dated November 29, 2010, #B-1, and, memo from Ron Pingaro, Director Zoning and Construction dated November 30, 2010, #B-2. Mr. Raban stated that the commercial site exceeded the off street parking requirements and met all zoning and site plan requirements.

**Mr. James Brzozowski, P. E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and described the existing property to the Board. Mr. Brzozowski stated that the property was currently developed with the retail use, Fritzie's Liquors, on the first floor and a residential apartment on the second floor. Mr. Brzozowski noted that a first floor addition for retail space with a roof deck above was proposed. He stated that nineteen parking spaces, the required loading zone and trash enclosure would be provided. Mr. Brzozowski stated that the impervious coverage would be reduced.

Mr. Brzozowski reviewed the Board Engineer's review letter. The Board discussed curbs and sidewalks as well as the handicapped ramp.

**Mr. Michael Strunk with the firm of Michael Strunk Architect, L.L.C., 4707 Long Beach Boulevard, Brant Beach, New Jersey** was sworn and described the architectural plans to the Board. He stated that the footprint of the building would be enlarged and that the exterior of the building would be improved aesthetically.

**The Public Session was closed.**

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

The Board felt that the proposed application would be an improvement to the property and the neighborhood. They noted that the parking exceeded the requirements and that the existing impervious coverage would be reduced

**Moran moved, seconded by Applegate to approve the application as submitted and to allow the width of the handicapped landing and ramp to be five feet.** The following roll call vote was recorded: Applegate, Bayard, Cleary, Konnor, Leonetti, Schnell, Moran, Ternyila and Jones all voted **YES**.

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Mrs. Sicheri reviewed updates to the **Rules and Regulations** of the Board. **Moran moved, seconded by Applegate to approve the Rules and Regulations as submitted.** The following roll call vote was recorded: Applegate, Bayard, Cleary, Konnor, Leonetti, Schnell, Moran, Ternyila and Jones all voted **YES**.

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Under **Old Business**, the Board discussed proposed **Ordinances #10-52C, #10-54C and #10-55C**. The Board approved of Ordinances #10-52C and 10-54C, as written. The Board noted that further clarification was required for proposed Ordinance #10-55C.

**(Tape #487 – Side 3)**

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Mrs. Sicheri discussed the **Rothenberg Appeal (LUB-21-09A)** with the Board.

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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 8:35 P.M.

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

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